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STATUTES

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OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

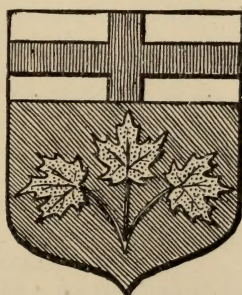
Seventh Year of the Reign of His Majesty

KING EDWARD VII.,

Being the Third Session of the Eleventh
Legislature of Ontario.

1907

BEGUN AND HOLDEN AT TORONTO ON THE TWENTY-FOURTH DAY OF JANUARY IN THE YEAR
OF OUR LORD ONE THOUSAND NINE HUNDRED AND SEVEN.



124661
25/10/12

HIS HONOUR
WILLIAM MORTIMER CLARK,
LIEUTENANT-GOVERNOR.

TORONTO:
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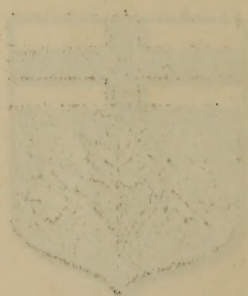


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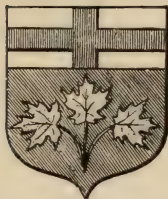
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7 EDWARD VII.

CHAPTER 1.

An Act for granting to His Majesty certain sums of money to defray the expenses of Civil Government for the year One Thousand Nine Hundred and Seven and for other purposes therein mentioned.

Assented to 20th April, 1907.

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour Preamble.
William Mortimer Clark, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the Public Service thereof, and for other purposes for the year one thousand nine hundred and seven; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of \$7,294,382.28 granted out of consolidated revenue fund for certain purposes.
this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of Seven million two hundred and ninety-four thousand three hundred and eighty-two dollars and twenty-eight cents for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand nine hundred and seven, as set forth in Schedule "A" to this Act; and for the expenses of Legislation, Public Institutions' Maintenance, and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand nine hundred and eight, as set forth in Schedule "B" to this Act.

Accounts to be
laid before
Legislative
Assembly.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended
moneys.

3. Any part of the money under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand nine hundred and seven, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the 20th day of January next shall lapse and be written off.

Expenditure to
be accounted
for to His
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

SCHEDULE "A."

Sums granted to His Majesty by this Act for the year one thousand nine hundred and seven, and the purposes for which they are granted :—

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto :—

| | | |
|---|------------|--------------|
| Lieutenant-Governor's Office..... | \$4,300 00 | |
| Office of the Prime Minister and President of the Council..... | 14,550 00 | |
| Attorney-General's Department... | 64,512 00 | |
| Education Department..... | 29,899 00 | |
| Lands, Forests and Mines Department..... | 114,250 00 | |
| Public Works Department..... | 52,450 00 | |
| Treasury Department..... | 32,600 00 | |
| Provincial Auditor's Office..... | 14,600 00 | |
| Provincial Secretary's Department | 151,855 00 | |
| Department of Agriculture..... | 53,426 00 | |
| Miscellaneous..... | 15,950 00 | |
| | | \$548,392 00 |

LEGISLATION

To defray expenses of Legislation..... 225,400 00

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice 625,402 29

EDUCATION.

To defray expenses of :—

Public and Separate School Education \$937,369 45

High

| | | |
|--|------------|----------------|
| High Schools and Collegiate Institutes..... | 155,593 75 | |
| Departmental Library and Museum..... | 19,218 95 | |
| Public Libraries, Art Schools, Literary and Scientific | 61,100 00 | |
| Technical Education | 31,620 00 | |
| Superannuated Public and High School Teachers..... | 63,650 00 | |
| Provincial University and Mining Schools..... | 50,707 40 | |
| Maintenance Education Department and Miscellaneous..... | 26,436 72 | |
| Institution for Deaf and Dumb, Belleville | 56,056 00 | |
| Blind Institute, Brantford..... | 38,216 00 | |
| | <hr/> | \$1,439,968 27 |

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:

| | | |
|--|------------|----------------|
| Asylum for the Insane, Brockville. \$ | 98,023 00 | |
| Asylum for the Insane, Cobourg. | 25,252 00 | |
| Asylum for the Insane, Hamilton | 140,130 00 | |
| Asylum for the Insane, Kingston | 100,734 00 | |
| Asylum for the Insane, London.. | 148,100 00 | |
| Asylum for the Insane, Mimico.. | 88,330 00 | |
| Asylum for the Feeble Minded, Orillia..... | 76,988 00 | |
| Asylum for the Insane, Penetanguishene. | 43,916 00 | |
| Asylum for the Insane, Toronto.. | 134,575 50 | |
| Asylum for Epileptics, Woodstock | 32,576 00 | |
| Central Prison, Toronto..... | 70,420 00 | |
| Central Prison Industries..... | 66,220 00 | |
| Mercer Reformatory, Toronto... | 23,450 00 | |
| | <hr/> | \$1,048,714 50 |

AGRICULTURE.

| | |
|---|--------------|
| To defray expenses of a grant in aid of Agriculture | \$507,453 00 |
|---|--------------|

COLONIZATION AND IMMIGRATION.

| | |
|---|-------------|
| To defray expenses of Colonization and Immigration..... | \$55,665 00 |
|---|-------------|

HOSPITALS AND CHARITIES.

| | |
|--|--------------|
| To defray expenses of a grant in aid of Hospitals and Charities..... | \$389,363 53 |
|--|--------------|

MAINTENANCE

MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

| | | |
|--|--------------|-------------|
| Government House..... | \$ 18,000 00 | |
| Parliament and Departmental Buildings | 79,395 00 | |
| | <hr/> | \$97,395 00 |

PUBLIC BUILDINGS.

Public Institutions:—

| | |
|--|--------------|
| Asylum for Insane, Brockville... | \$ 12,350 00 |
| Asylum for Insane, Cobourg.... | 3,600 00 |
| Asylum for Insane, Hamilton.... | 16,200 00 |
| Asylum for Insane, Kingston.... | 19,000 00 |
| Asylum for Insane, London..... | 16,850 00 |
| Asylum for Insane, Mimico..... | 18,050 00 |
| Asylum for Feeble Minded, Orillia. | 7,475 00 |
| Asylum for Insane, Penetanguishene | 23,000 00 |
| Asylum for Insane, Toronto..... | 107,500 00 |
| Asylum for Epileptics, Woodstock | 59,825 00 |
| Central Prison, Toronto | 6,000 00 |
| Mercer Reformatory, Toronto | 5,400 00 |

Educational:—

| | |
|---|------------|
| Normal and Model Schools, Toronto. | 7,850 00 |
| Normal and Model School, Ottawa | 17,150 00 |
| Normal School, London..... | 11,700 00 |
| Additional Normal Schools | 200,000 00 |
| Deaf and Dumb Institute, Belleville..... | 9,600 00 |
| Institution for the Blind, Brantford..... | 2,400 00 |
| Ontario Agricultural College.... | 77,225 00 |
| Colonization and Immigration— Lodging House..... | 5,000 00 |
| Districts:— | |
| Muskoka..... | 600 00 |
| Parry Sound..... | 9,420 00 |
| Algoma | 12,600 00 |
| Thunder Bay..... | 10,900 00 |
| Rainy River..... | 2,475 00 |
| Nipissing | 8,550 00 |
| Manitoulin | 3,200 00 |
| Sudbury | 32,700 00 |

| | | |
|---------------------------|-------|--------------|
| Total Public Buildings... | <hr/> | \$706,620 00 |
|---------------------------|-------|--------------|

PUBLIC WORKS.

| | |
|--|--------------|
| To defray expenses of Public Works | \$198,750 00 |
| | COLONIZATION |

COLONIZATION AND MINING ROADS.

| | |
|--|--------------|
| To defray expenses of Construction and Repairs | \$333,211 00 |
|--|--------------|

CHARGES ON CROWN LANDS.

| | |
|--|--------------|
| To defray expenses on account of Crown Lands | \$558,700 00 |
|--|--------------|

REFUNDS.

| | | |
|---|------------|-------------|
| Education | \$2,000 00 | |
| Provincial Secretary's Department | 5,000 00 | |
| Crown Lands | 18,500 00 | |
| Municipalities Fund | 243 32 | |
| Land Improvement Fund | 2,429 07 | |
| Miscellaneous | 10,000 00 | |
| | <hr/> | \$38,172 39 |

MISCELLANEOUS EXPENDITURE

| | |
|---|--------------|
| To defray Miscellaneous Expenditure | \$271,175 30 |
|---|--------------|

Total Estimates for Expenditure of 1907 .. \$7,044,382 28

SCHEDULE "B."

Sum granted to His Majesty by this Act for the year one thousand nine hundred and seven, and the purposes for which it is granted:—

| | |
|--|--------------|
| To defray the expenses of Legislation, Public Institutions' Maintenance, and for Salaries of the officers of the Government and Civil Service for the month of January, 1908.... | \$250,000 00 |
|--|--------------|

Total..... \$7,294,382 28

CHAPTER 2.

An Act respecting the Form and Interpretation of the Statutes.

Assented to 20th April, 1907.

SHORT TITLE, s. 1.

MODE OF CITING STATUTES, s. 2.

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“county,” s. 7 (12).

“person,” s. 7 (13).

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Interpretation Act*," Short title.
R.S.O. 1897, c. 1, s. 1.

2. A statute may be cited and referred to for all purposes either by its title or by its short title or by a reference to the number of the particular chapter in the Revised Statutes, or in the annual volume of Statutes printed by the King's Printer. (See R.S.O. 1897, c. 1, s. 2.)

3. The following words in a statute shall indicate the authority by virtue of which it is passed: "His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows."
R.S.O. 1897, c. 1, s. 3.

4. Any Act of the Legislature may be amended, altered or repealed by any Act passed in the same Session thereof.
R.S.O. 1897, c. 1, s. 5.

5.—(1) The Clerk of the Legislative Assembly shall endorse on every Act, immediately after the title of such Act, the day, month and year when the same was by the Lieutenant-Governor assented to, or reserved; in the latter case, the Clerk shall also endorse thereon the day, month and year when the Lieutenant-Governor has signified either by speech or message to the Legislative Assembly, or by proclamation, that the same was laid before the Governor-General in Council, and that the Governor-General was pleased to assent thereto.

(2) Such endorsement shall be taken to be a part of the Act; and the date of the assent or signification, as the case may be, shall be the date of the commencement of the Act, if no later commencement is therein provided. R.S.O. 1897, c. 1, s. 6.

This and following sections shall apply to all Acts.

6. This, and the following sections of this Act and each provision thereof, shall extend and apply to the Revised Statutes of Ontario, and to every Act of the Legislature passed since the said Revised Statutes took effect, except in so far as any provision is inconsistent with the intent and object of such Act, or the interpretation which such provision would give to any word, expression or clause, is inconsistent with the context, and except in so far as any provision thereof is in any such Act declared not applicable thereto. R.S.O. 1897, c. 1, s. 7 (1).

How enactments shall be construed.

7. Subject to the limitations in the preceding section of this Act—in every Act to which this section applies,

Expressions in present tense.

1. The Law shall be considered as always speaking, and whenever any matter or thing is expressed in the present tense, the same is to be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof according to its spirit, true intent and meaning;

“Shall” and “may.”

2. The word “shall” shall be construed as imperative and the word “may” as permissive;

“Herein.”

3. Wherever the word “herein” is used in any section of an Act, it shall be understood to relate to the whole Act and not to that section only;

“Now,” and “next.”

4. The words “now” and “next” shall be construed as having reference to the time when the Act was presented for the Royal Assent. R.S.O. 1897, c. 1, s. 8, pars. 1-4;

“His Majesty,” etc.

5. The words “His Majesty,” “Her Majesty,” “The King,” “The Queen,” or “The Crown,” shall mean the Sovereign of the United Kingdom of Great Britain and Ireland for the time being. R.S.O. 1897, c. 1, s. 8, par. 5; 1 Edw. VII. c. 12 s. 1;

“Lieutenant-Governor,” or “Governor.”

6. The words “Lieutenant-Governor,” or “Governor,” shall mean the Lieutenant-Governor for the time being of Ontario, or other the Chief Executive Officer or Administrator for the time being carrying on the government of Ontario, by whatever title he is designated;

“Lieutenant-Governor in Council,” etc.

7. The words “Lieutenant-Governor in Council,” or “Governor in Council,” shall mean the Lieutenant-Governor of Ontario, or person administering the government of Ontario for the time being, acting by and with the advice of the Executive Council for Ontario;

“United Kingdom,” “United States.”
Names of places, corporations, etc.

8. The words “the United Kingdom” shall mean the United Kingdom of Great Britain and Ireland; and generally, the name commonly applied to any country, place, body, corporation, society, officer, functionary, person, party

party or thing, shall mean such country, place, body, corporation, society, officer, functionary, person, party or thing, although such name be not the formal and extended designation thereof;

9. The words "Upper Canada" shall mean all that part of Canada which formerly constituted the Province of Upper Canada; and the words "Lower Canada" shall mean all that part of Canada which formerly constituted the Province of Lower Canada; "Upper Canada," "Lower Canada."

10. The word "proclamation" shall mean a proclamation under the Great Seal; and the expression "Great Seal" shall mean the Great Seal of Ontario; "Proclamation," "Great Seal."

11. Where the Lieutenant-Governor is authorized to do any act by proclamation, such proclamation is to be understood to be a proclamation issued under an order of the Lieutenant-Governor in Council; but it shall not be necessary that it be mentioned in the proclamation that it is issued under such order; Lieutenant-Governor acting by proclamation.

12. The word "county" shall include two or more counties united for purposes to which the enactment relates; "County."

13. The word "person" shall include any body corporate or politic, and the heirs, executors, administrators or other legal representatives of a person, to whom the context can apply according to law; "Person."

14. The words "writing," "written," or any term of like import, shall include words printed, painted, engraved, lithographed, photographed, or represented or reproduced by any other mode in a visible form; "Writing," "Written."

15. The word "month" shall mean a calendar month; and the word "year," a calendar year. R.S.O. 1897, c. 1, s. 8, pars. 6-15; "Month," "Year."

16. The word "holiday" shall include Sunday, New Year's Day, Good Friday, Easter Monday, Christmas Day, the birthday, or the day fixed by proclamation of the Governor-General for the celebration of the birthday of the reigning sovereign, Victoria Day, Dominion Day, Labour Day, and any day appointed by proclamation of the Governor-General or the Lieutenant-Governor as a public holiday, or for a General Fast or Thanksgiving. 2 Edw. VII. c. 12, s. 1; Dominion Day (see R. S. C., c. 106.)

17. Whenever any other holiday falls on a Sunday, the day next following shall be in lieu thereof a holiday. 3 Edw. VII. c. 7, s. 2; Holiday.

18. If the time limited by an Act for any proceeding, or for the doing of anything under its provisions, expires or falls upon a holiday, the time so limited shall extend to, and such thing may be done on, the day next following which is not a holiday; Computation of time where time limited expires on a holiday.

"Oath."
"Affidavit."

19. The words "oath" and "affidavit" shall in the case of persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration; the word "swear" in the like case shall include affirm and declare, and "sworn" shall include affirmed and declared;

Authority to
administer.

And in every case where an oath, affirmation or declaration is directed to be made before any person or officer, such person or officer shall have full power and authority to administer the same and to certify to its having been made;

Administration
of oaths.

20. Where by an Act of the Legislature or by a rule of the Legislative Assembly, or by an order, regulation or commission, made or issued by the Lieutenant-Governor in Council, under a law authorizing him to require the taking of evidence under oath, an oath is authorized or directed to be made, taken or administered, the oath may be administered, and a certificate of its having been made, taken or administered may be given, by any one named in the Act, rule, order, regulation or commission, or by a Judge of any Court, a Notary Public, Justice of the Peace, or Commissioner for taking affidavits, having authority or jurisdiction in the place where the oath is administered;

Certificate of
administration
of oaths.

"Sureties,"
"Security."

21. The word "sureties" shall mean sufficient sureties and the word "security" shall mean sufficient security, and where these words are used, one person shall be sufficient therefor unless otherwise expressly required;

"Registrar."

22. The word "Registrar" shall include a Deputy Registrar;

"Magistrate,"
"Two Jus-
tices."

"Justice of the
Peace," or
"Magistrate" to
include two
or more acting
together.

23. The word "Magistrate" shall mean a Justice of the Peace; the words "two Justices" shall mean two or more Justices of the Peace, assembled or acting together; the words "Justice of the Peace" or "Magistrate" shall include two or more Justices of the Peace or Magistrates assembled or acting together;

If anything is directed to be done by or before a Magistrate or a Justice of the Peace, or other public functionary or officer, it shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done;

Implied
powers.

Wherever power is given to any person, officer or functionary to do or to enforce the doing of any act or thing, all such powers shall be understood to be also given as are necessary to enable such person, officer, or functionary to do or enforce the doing of such act or thing;

"Legally
qualified medi-
cal practi-
tioner," "duly

24. The words "legally qualified medical practitioner" or "duly qualified medical practitioner," or any other words importing

importing legal recognition of any person as a medical practitioner or member of the medical profession, shall mean a person registered under *The Ontario Medical Act*. R.S.O. 1897, c. 1, s. 8, pars. 17-23. qualified medical practitioner." Rev. Stat. c. 176.

25. "Felony" shall mean any crime which before the passing of *The Criminal Code, 1892*, of Canada would have been a felony under the law of Canada and "misdemeanour" shall mean any crime which before the passing of the said Code would have been a misdemeanour under the said law. R.S.O. 1897, c. 1, s. 13. Meaning of "felony" and "misdemeanour" when used in Revised Statutes.

26. Words importing the singular number or the masculine gender only, shall include more persons, parties or things of the same kind than one, and females as well as males, and the converse; Number and gender.

27. Words making any association or number of persons a corporation or body politic and corporate, shall vest in such corporation power to sue and be sued, contract and be contracted with, by their corporate name, to have a common seal, and to alter or change the same at their pleasure, and to have perpetual succession, and power to acquire and hold personal property or moveables for the purposes for which the corporation is constituted, and to alienate the same at pleasure; and shall also vest in any majority of the members of the corporation, the power to bind the others by their acts; and shall exempt the individual members of the corporation from personal liability for its debts, obligations or acts, provided they do not contravene the provisions of the Act incorporating them; Effect of words constituting a corporation.

28. Words authorizing the appointment of any public officer or functionary, or any deputy, shall include the power of removing him, re-appointing him, or appointing another in his stead, from time to time, in the discretion of the authority in whom the power of appointment is vested; Words authorising appointment include power to remove.

29. Words directing or empowering a public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, shall include his successors in such office, and his or their lawful deputy; Directions to public officer to apply to his successors and his deputy.

30. All officers heretofore or hereafter appointed by the Lieutenant-Governor, whether by commission or otherwise, shall remain in office during pleasure only; Appointments by Lieutenant-Governor to be during pleasure.

31. If in any Act any person is directed to be imprisoned or committed to prison, the imprisonment or committal shall, if no other place is mentioned or provided by law, be in or to the Common Gaol of the locality in which the order for the imprisonment is made, or if there be no Common Gaol there, then in or to that Common Gaol which is nearest to such locality. R.S.O. 1897, c. 1, s. 8, pars. 24-29. Imprisonment where no special place is mentioned.

Acts to be done
by more than
two.

32. Where an act or thing is required to be done by more than two persons, a majority of them may do it;

Powers and
duties to be
exercised and
performed
from time
to time.

33. If a power is conferred or a duty imposed, the power may be exercised and the duty shall be performed from time to time as occasion requires;

To be exercised
and performed
by holder of
office for time
being.

34. If a power is conferred or a duty imposed on the holder of any office as such, the power may be exercised and the duty shall be performed by the holder for the time being of the office; (See R.S.C., c. 1, s. 31, cls. (e), (f).)

Deviation from
forms.

35. Where forms are prescribed, deviations therefrom not affecting the substance or calculated to mislead, shall not vitiate them;

Rules of court.

36. The expression "rules of court" when used in relation to any court shall mean rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court;

Authority to
make rules
of court.

37. The power of the said authority to make rules of court as above defined shall include a power to make rules of court for the purpose of any Act directing or authorizing anything to be done by rules of court;

Power to make
by-laws, etc.,
to confer power
to alter.

38. Where power to make by-laws, regulations, rules or orders is conferred, it shall include the power to alter or revoke the same from time to time and make others;

Acts to be
deemed public
Acts.

39. Every Act shall, unless by express provision it is declared to be a Private Act, be deemed to be a Public Act, and shall be judicially noticed by all Judges, Justices of the Peace, and others, without being specially pleaded;

Preamble to be
a part of Act.

40. The Preamble of an Act shall be deemed a part thereof and intended to assist in explaining the purport and object of the Act;

All Acts
remedial.

41. Every Act and every provision or enactment thereof shall be deemed remedial, whether its immediate purport be to direct the doing of anything which the Legislature deems to be for the public good, or to prevent or punish the doing of anything which it deems to be contrary to the public good,—and shall accordingly receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of the Act, and of the provision or enactment, according to the true intent, meaning and spirit thereof;

References to
numbers of
sections to in-
clude first and
last number.

42. Where reference is made by number to two or more sections, subsections or clauses in any statute, the number first mentioned and the number last mentioned shall both be deemed to be included in the reference;

What may be
done under an
Act before the

43. Where an Act is not to come into operation immediately on the passing thereof, and confers power to make
any

any appointment, to make, grant or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or by-laws, to give notices, to prescribe forms or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to this restriction that any instrument made under the power shall not, unless the contrary intention appears in the Act, or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation;

44. Where any Act confers power to make, grant or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations or by-laws, expressions used in the instrument, if it is made after the 31st day of December, 1897, shall, unless the contrary intention appears, have the same respective meaning as in the Act conferring the power;

45. Every Act shall be construed as reserving to the Legislature the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person or party, whenever the repeal, amendment, revocation, restriction, or modification is deemed by the Legislature to be required for the public good. R.S.O. 1897, c. 1, s. 8, pars. 35-45.

46. Where any Act or enactment is repealed, or where any regulation is revoked, such repeal or revocation shall not save as in this section otherwise provided,—

- (a) Revive any Act, enactment, regulation or thing not in force or existing at the time at which the revocation takes effect; or
- (b) Affect the previous operation of any Act, enactment, regulation or thing so repealed or revoked; or
- (c) Affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred under the Act, enactment, regulation or thing so repealed or revoked; or
- (d) Affect any offence committed against any Act, enactment, regulation or thing so repealed or revoked, or any penalty or forfeiture or punishment incurred in respect thereof; or
- (e) Affect any investigation, legal proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

And any such investigation, legal proceeding or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Act, enactment, regulation or thing had not been repealed or revoked;

When other provisions substituted.

47. If other provisions are substituted for those so repealed or revoked,—

- (a) All officers and persons acting under the Act, enactment, regulation or thing so repealed or revoked shall continue to act, as if appointed under the provisions so substituted until others are appointed in their stead; and
- (b) All proceedings taken under the Act, enactment, regulation or thing so repealed or revoked, shall be taken up and continued under and in conformity with the provisions so substituted, so far as consistently may be; and
- (c) In the recovery or enforcement of penalties and forfeitures incurred, and in the enforcement of rights existing or accruing under the Act, enactment, regulation or thing so repealed or revoked, or in any other proceeding in relation to matters which have happened before the repeal or revocation, the procedure established by the substituted provisions shall be allowed so far as it can be adopted; and
- (d) If any penalty, forfeiture or punishment is reduced or mitigated by any of the provisions of the Act, enactment, regulation or thing whereby such other provisions are substituted, the penalty, forfeiture or punishment, if imposed or adjudged after such repeal or revocation shall be reduced or mitigated accordingly.

Amendment, consolidation or revision,

48. Where any Act or enactment is repealed and other provisions are substituted by way of amendment, revision or consolidation,—

- (a) All regulations, orders, ordinances, rules and by-laws made under the repealed Act or enactment shall continue good and valid, in so far as they are not inconsistent with the substituted Act or enactment, until they are annulled and others made in their stead; and
- (b) Any reference in any unrepealed Act, or in any rule, order or regulation made thereunder to such repealed Act or enactment, shall as regards any subsequent transaction, matter or thing

thing, be held and construed to be a reference to the provisions of the substituted Act or enactment relating to the same subject matter; and if there is no provision in the substituted Act or enactment relating to the same subject matter, the repealed Act or enactment shall stand good, and be read and construed as unrepealed in so far, and in so far only, as is necessary to support, maintain or give effect to such repealed Act, or enactment, or such rule, order or regulation made thereunder. (See R.S.C. cap. 1, ss. 19, 20.)

49. The repeal of an Act or enactment shall not be deemed to be or to involve a declaration that such Act, or enactment, was, or was considered by the Legislature to have been, previously in force; Repeal or Act not a declaration that Act was in force.

50. The repeal or amendment of any Act shall not be deemed to be or to involve any declaration whatsoever as to the previous state of the law; Repeal or amendment not a declaration of previous state of the law.

51. The amendment of any Act shall not be deemed to be or to involve a declaration that the law under such Act was, or was considered by the Legislature to have been, different from the law as it has become under such Act as so amended; Amendment of Act not a declaration of different state of law.

52. The Legislature shall not, by re-enacting an Act or enactment, or by revising, consolidating or amending the same, be deemed to have adopted the construction which has by judicial decision or otherwise, been placed upon the language used in such Act or enactment or upon similar language; Re-enactment, etc., not an adoption of judicial construction.

53. No Act or enactment shall affect in any manner or way whatsoever, the rights of His Majesty, His Heirs or Successors, unless it is expressly stated therein that His Majesty shall be bound thereby; nor if the Act be in the nature of a Private Act, shall it affect the rights of any person, or body politic, corporate, or collegiate, such only excepted as are therein mentioned or referred to. R.S.O. 1897, c. 1, s. 8, pars. 54-58. Acts not to affect the Crown unless so declared. Private Acts.

8. The interpretation section of *The Judicature Act*, so far as the terms defined can be applied, shall extend to all enactments relating to legal matters. R.S.O. 1897, c. 1, s. 9. Interpretation section of Rev. Stat. c. 51.

9. The interpretation section of *The Municipal Act*, so far as the terms defined can be applied, shall extend to all enactments relating to municipal matters. R.S.O. 1897, c. 1, s. 10. Interpretation section of Rev. Municipal Act. 3 Edw. VII., c. 19.

Offences in-
volving
liability under
more than one
Act, etc.

10. Where an act or omission constitutes an offence under two or more Acts, or an offence both under an Act and at common law, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or at common law, but shall not be liable to be punished twice for the same act or omission. R.S.O. 1897, c. 1, s. 11.

Provisions
herein to apply
to this Act.

11. The foregoing provisions of this Act shall apply to the construction of this Act and to the words and expressions used therein. R.S.O. 1897, c. 1, s. 12.

Rev. Stat. c. 1
repealed.

12. Chapter 1 of The Revised Statutes of Ontario, 1897, is repealed.

CHAPTER 3.

An Act respecting the Printing and Distribution of the Statutes.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Statutes shall be printed, published and distributed by the King's Printer in such manner as may from time to time be prescribed by the Lieutenant-Governor in Council and approved by resolution of the Legislative Assembly.

Statutes to be printed and distributed as directed by Order-in-Council.

2. The Clerk of the Legislative Assembly shall furnish the King's Printer with a certified copy of every Act of the Legislature as soon as the same has been assented to or if the Bill has been reserved, as soon as the assent thereto has been signified in accordance with the provisions of *The British North America Act*.

Clerk to furnish copy of Act to King's Printer.

3. The King's Printer shall, before the opening of every Session of the Legislative Assembly, make a report to the Lieutenant-Governor (to be by him laid before the said Assembly within fifteen days after the opening of such Session) shewing the number of copies of the Acts of each Session which have been printed and distributed by him since the last Session, the departments, administrative bodies, officers and persons to whom the same have been distributed, the number of copies delivered to each, and under what authority, and the number of copies of the Acts of each Session then remaining in his hands.

Annual report of distribution

4. Chapter 2 of the Revised Statutes of Ontario, 1897 is repealed.

Rev. Stat. c. 2 repealed.

CHAPTER 4.

An Act to consolidate and amend the Act respecting
Voters' Lists.*Assented to 20th April, 1907.*

SHORT TITLE, s. 1.

INTERPRETATION, s. 2

RULES AND FORMS, ss. 3. 4.

APPLICATION OF PARTS I., II.,
and III., s. 5.PART I.—APPLYING TO ALL
MUNICIPALITIES, ss. 6-50.ALPHABETICAL LIST OF VOTERS TO
BE MADE BY CLERK, ss. 6, 7.DISTRIBUTION AND POSTING UP
COPIES OF LIST, ss. 9-13.

REVISION OF LIST—

Who may complain and on
what grounds, ss. 14, 15.Powers and duties of Judge,
ss. 16, 26, 31, 32.

Procedure, ss. 17-19.

List to be certified by Judge,
ss. 20-22.Striking off names of persons
subsequently dying, ss. 23.

Effect of certified list, s. 24.

Municipality to provide Court
Room, s. 25.

Clerk—

duties generally, s. 27.

remunerations, ss. 28, 30.

Constables, their duties and
fees, ss. 29, 30.Report by Judge as to frauds,
s. 31.Amendment of proceedings, s.
32.Substitution of new complain-
ant, s. 33.

Costs of complaints, ss. 34-37.

Affidavit made before candi-
dates or agents, s. 38.Obtaining opinion of Court of
Appeal, ss. 39, 40.PERSONS ADDED ON LISTS TO PAY
TAXES, s. 41.LIST NOT INVALIDATED BY FAIL-
URE OF CLERK TO PERFORM
DUTIES, ss. 42, 43.

PENALTIES AND FINES—

Neglect of Clerk, s. 44.

Wilful alteration of list, s. 45.

Colourable transfer of pro-
perty to confer vote, s. 46.Recovery of fines and penal-
ties, s. 48.Fraudulent entry of names, s.
47 (2).ASSESSOR TO MAKE INQUIRIES BE-
FORE ENTERING NAMES, s.

47 (1).

COPIES OF LISTS AND OF ALTERA-
TIONS, ss. 49, 50.PART II.—APPLYING TO CITIES
TAKING ASSESSMENT BEFORE
30TH SEPTEMBER.PREPARATION AND POSTING OF
LISTS FOR WARDS, ETC., ss.
51, 52.TIME FOR MAKING COMPLAINTS, s.
52.

PROCEDURE, ss. 53-56.

WHEN WARD LIST TO BE REVISED,
ss. 54, 55.FINAL REVISION FOR WHOLE CITY,
s. 55.EFFECT OF LIST AS FINALLY
REVISED, s. 56.PART III.—APPLYING TO TERRI-
TORY WHERE NO ASSESSMENT
ROLL, ss. 57-73.

WHO TO PREPARE LISTS, s. 57, 58.

NOTICE OF PREPARING LIST, s. 59.

MODE OF PREPARING, ss. 60-64.

APPEALS,

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| APPEALS, s. 65. | PENALTY FOR MISCONDUCT, ss. 70-72. |
| LIST TO BE CERTIFIED, s. 66. | 72. |
| EXPENSES, HOW PAID, s. 67. | LIST ALREADY PREPARED, HOW |
| INFORMALITIES NOT TO INVALIDATE, s. 68. | LONG TO CONTINUE VALID, s. 73. |
| OFFICERS PREPARING LIST INELIGIBLE AS CANDIDATES, s. 69. | REPEAL OF FORMER ACTS, s. 74. |

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as “*The Ontario Voters’ Short title. Lists Act.*” R.S.O. 1897, c. 7, s. 1.

INTERPRETATION.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

(1) “Voter” as meaning a person entitled to be a voter, “Voter.” or to be named in the voters’ list as qualified to be a voter either at an election of a member of the Legislative Assembly within the meaning of *The Ontario Election Act*, or at any municipal election, as the case may be; Rev. Stat. c. 9.

(2) “Scrutiny” as meaning any scrutiny of the votes polled at an election within the meaning of section 76 and the next succeeding nine sections of *The Ontario Controverted Elections Act*; Rev. Stat. c. 11.

(3) “Judge” as meaning the Judge of the County or District Court for the County or District within which the municipality for which the Voters’ List is made lies; and “Judge.”

(4) Every Judge of a District Court, within his District, shall, for the purposes of this Act, have the jurisdiction and powers of a County Judge acting in his County. R.S.O. 1897, c. 7, s. 2 (4); 62 V. (2), c. 11, s. 2. Jurisdiction of District Judges.

(5) Where there are more County or District Judges than one, a Junior Judge may, in case of the illness or absence or at the request of the Judge, perform the duties assigned by this Act to a County Judge. Where there are more county judges than one.

(6) A Deputy-Judge shall not have power to deal with any matter connected with any of the lists mentioned in this Act, unless so authorized by the Lieutenant-Governor in Council. R.S.O. 1897, c. 7, s. 2 (1)-(3). Deputy-judge not to deal with lists without special authority.

RULES AND FORMS.

3. The Board of County Judges may, if requested so to do by the Lieutenant-Governor, frame Rules and Forms of procedure for the purpose of better carrying this Act into effect. Board of County Judges may make rules.

into effect, and such Rules and Forms shall, when approved by the Lieutenant-Governor in Council, have the same effect and force as if they formed part of this Act. R.S.O. 1897, c. 7, s. 3.

Use of forms.

4. In carrying into effect the provisions of this Act, the Forms set forth in the Schedule, or Forms to the like effect, may be used. R.S.O. 1897, c. 7, s. 4.

APPLICATION OF PARTS I., II., AND III.

Application of
Parts I., II,
and III. of
Act.

5.—(1) The provisions of Part I. shall apply to townships and incorporated villages and except as varied by Part II. of this Act and by *The Manhood Suffrage Registration Act*, to cities and towns. (*See cap. 23, s. 36.*)

(2) The provisions contained in Part II. shall apply to every city in which a by-law shall have been passed for taking the assessment at any time prior to the 30th day of September, and fixing separate dates for the return and final revision of the assessment rolls for each ward or subdivision of a ward as defined in the by-law.

(3) The provisions in Part III. shall apply to every portion of the Province not comprised in an organized municipality. R.S.O. 1897, c. 7, s. 5, (*and see 1 Edw. VII c. 12, s. 3.*)

PART I.

ALPHABETICAL LISTS OF VOTERS AND COPIES.

Clerk to make
lists of voters
in three Parts.

6.—(1) The Clerk of each Municipality shall, immediately after the final revision and correction of the assessment roll in every year, make a correct alphabetical list in three parts (Form 1) of all persons appearing by the assessment roll to be voters, prefixing to the name of each person his number upon the roll.

First Part.

(2) The first of the three parts shall contain the names, in alphabetical order, of all male persons appearing by the assessment roll to be voters at both Provincial and municipal elections.

Second Part.

(3) The second part shall contain the names, in alphabetical order, of all other male persons, and of all widows and unmarried women appearing by the assessment roll to be voters at municipal elections but not at Provincial elections.

Third Part.

(4) The third part shall contain the names, in alphabetical order, of all other male persons, appearing by the assessment roll to be voters at Provincial but not at municipal elections.

(5) The name of the same person shall not be entered more than once. Name to be entered once only.

(6) Where a municipality is divided into polling subdivisions lists shall be made for each subdivision. Lists for polling subdivisions.

(7) In the case of a person qualified to vote at Provincial elections, the Clerk shall, opposite the name of such person, in the proper column, insert the words "Manhood Franchise," or the letters "M.F." Where qualification under Rev. Stat. c. 9.

(8) Where the qualification of a person to be a voter at a municipal election is in respect of real property, the Clerk shall, opposite the name of such person, insert, in the proper column the number of the lot or other proper description of the parcel of real property in respect of which such person is so qualified; adding thereto where the person is so qualified in respect of more than one lot or parcel, the words "and other premises." Where qualification in respect of real property.

(9) In the case of a person being a farmer's son, the Clerk shall insert opposite his name, in the proper column, the words "Farmer's Son," or the letters "F.S." Where qualification that of a farmers' son.

(10) In a township, town or village the Clerk shall opposite the name of each person state his occupation in a column for that purpose. Occupation of voter to be entered in list.

(11) Where a ward is divided into polling subdivisions, and it appears by the assessment roll that a person is assessed in each of two or more polling subdivisions for property sufficient to entitle him to be a voter at a municipal election, the Clerk shall enter his name in the list for one subdivision only, and shall insert opposite his name the words "and other premises;" and where to the knowledge of the Clerk, the person resides in one of the subdivisions, his name shall be entered on the list for that subdivision. Entry where voter assessed in several divisions of same ward.

(12) Where it appears by the assessment roll that a person is assessed for property within the municipality sufficient to entitle him to be a voter at a municipal election, but that the property lies partly within one subdivision and partly within another or others, the Clerk shall enter the name of such person on the list of voters in only one of the subdivisions in which the property is situate, with the following words added: "Partly qualified in subdivision No. . . ." Provision where property partly in one subdivision and partly in another.

(13) If the qualification to be a voter at a municipal election is in respect of income, the Clerk shall, in the proper column, state that fact, and the place at which the voter resides in the municipality. Income qualification.

(14)

Entry in list of persons assessed as freeholder or tenant.

(14) Where the word Freeholder or the letter F, or the word Tenant or the letter T appears in the assessment roll opposite the name of a person entitled to be entered on the list, such word or letter shall be placed opposite the name of such person.

Persons qualified to vote only at Provincial elections not to be entered on lists.

(15) No person shall be entered on a Voter's List for a city by virtue of a qualification under *The Ontario Election Act* unless he is entitled to vote also at municipal elections and no list of persons entitled to vote at Provincial elections only shall be prepared for cities.

When assessment roll to be regarded as finally revised.

(16) Where no appeal is made from the Court of Revision of the municipality to the County Court Judge as provided by *The Assessment Act*, the assessment roll shall be deemed to be finally revised and corrected when the time within which an appeal may be made has elapsed, and where an appeal is made when the assessment roll has been revised and corrected by the Judge of the County Court.

Preparing voters' list in cities where roll not returnable before 30th September.

7.—(1) In the case of a city or town in which the assessment roll is not returnable before the 30th day of September, the Clerk, immediately after the return of the roll, and without waiting for the revision and correction thereof by the court of revision or the judge, shall make out an alphabetical list of all persons appearing by the roll to be voters; and shall within thirty days after the return of the roll, cause two hundred copies of the list in the case of a city and one hundred copies in the case of a town to be printed in pamphlet form, and shall post up and deliver copies of the list, as provided by section 9.

Council may order larger number of copies.

(2) A larger number of copies may be printed if the council shall so direct.

Revision of list by county judge.

(3) The alphabetical list so made shall be deemed the list of voters which is subject to revision by the judge, under section 14, and the provisions of this Act which have reference to the alphabetical list mentioned in the said section shall apply to the list provided for by this section.

Time for giving notice of complaints.

(4) The time for giving notice of any complaint to be made to the Judge under section 14 with respect to a list prepared under this section shall be thirty days after the Clerk has posted up the list.

Time for final completion of lists.

(5) The list prepared under this section shall be finally revised, corrected and certified by the Judge within one month after the last day for making complaints.

Correction in voters' list after revision of roll.

(6) In case the assessment roll of a city or town to which this section applies is not finally revised before the time limited for the final revision, correction and certifying of the list by the Judge, and upon appeal from the court

court of revision alterations are made by the Judge in the assessment roll affecting the right of any person to be entered on the list, the Judge shall forthwith after the final revision of the roll, make out a list of such alterations and deliver the same to the Clerk who shall make corresponding changes in the certified copies of the revised list, and the Judge shall initial the same. A copy of the list of alterations shall be posted up by the Clerk in his office. 62 V. (2) c. 3, s. 1; 63 V. c. 2, ss. 1-3.

8. The Clerk of every township municipality, in making out the list shall insert therein a schedule (Form 1) containing the name, numbered consecutively, of every post office which by the assessment roll appears as the address of any person entered on the list, and in making out the list shall according to the form and in the proper column therefor, insert opposite the name of every voter entered on the list the consecutive number which according to the schedule is his post office address, so far as the address appears by the assessment roll, or is within the knowledge or belief of the Clerk; but no appeal or complaint on the ground of any error, mistake or omission in or from the list in respect of any matter or thing by this section directed to be inserted therein, shall be made or allowed by or under this Act. R.S.O. 1897, c. 7, s. 7.

P. O. address
of voter to be
entered on list

9.—(1) Immediately after the Clerk has made the alphabetical list, and within forty days in a city and in other municipalities within thirty days, after the final revision and correction of the assessment roll, the Clerk shall cause at least two hundred copies of the list to be printed (in pamphlet form, and forthwith shall cause one of the printed copies to be posted up, and to be kept posted up in some conspicuous place in his office, and deliver or transmit by post, by registered letter, or by parcel post, registered, three copies to each Judge of the County Court of the County to which for judicial purposes the municipality belongs; and two copies to each of the following persons:—

Copies of list
to be printed
and distributed.

- (a) Every member of the Municipal Council of the Municipality except the head thereof;
- (b) The Treasurer thereof;
- (c) The Sheriff;
- (d) The Clerk of the Peace;
- (e) Every Postmaster in the Municipality;
- (f) Every Head Teacher of a Public or Separate School in the Municipality;
- (g) The Clerk of the Council of the County in which the municipality is situate. R.S.O. 1897, c. 7, s. 8.

Clerk to transmit copies to certain persons.

(2) The Clerk shall forthwith also deliver or transmit by post, by registered letter, or by parcel post, registered, ten copies of the list to each of the following persons:—

- (a) The Member of the House of Commons for the Electoral District in which the Municipality or any part thereof lies;
- (b) The Member of the Legislative Assembly for the Electoral District in which the Municipality or any part thereof lies;
- (c) Every candidate for whom votes were given at the then last election of a member for the House of Commons and for the Legislative Assembly respectively for the Electoral District in which the Municipality or any part thereof lies, and
- (d) The Head of the Municipality. R.S.O. 1897, c. 7, s. 9.

Books of record to be kept by clerk.

10.—(1) The Clerk shall keep a book in which he shall enter particulars showing the day on which the copies of the alphabetical list were posted up by him and were transmitted to each of the persons mentioned in section 9, and also whether such copies were delivered personally or transmitted by post and shall verify such particulars by an affidavit or statutory declaration entered in such book.

Penalty.

(2) A Clerk who fails to comply with the provisions of this section or of section 9 shall, for each omission, incur a penalty of \$200, and in default of payment thereof shall further be liable to imprisonment for a period not exceeding three months. 61 V. c. 3, s. 3.

Clerk to certify as to certain matters on each copy of list.

11.—(1) Upon each of the copies so sent there shall be a certificate (Form 2) over the name of the Clerk, stating that the list is a correct list of all persons appearing by the last revised assessment roll to be voters at Provincial elections, and at municipal elections; and, calling upon all voters to examine the list, and to take immediate proceedings to have omissions or errors corrected according to law. R.S.O. 1897, c. 7, s. 10.

Date of posting list to be printed on copies.

(2) Upon the outside or cover of each of the copies so sent shall be printed or written conspicuously the date of the posting up of the list thus:—

This list was posted up in the Clerk's office on the
day of (fill in date), 19

2 Edw. VII. c. 12, s. 3.

Copies to be posted up by Sheriffs, Clerks of the Peace, teachers and post-masters.

12. The Sheriff shall immediately upon the receipt of his copies cause one of them to be posted up in a conspicuous place in the Court House; the Clerk of the Peace, upon receipt of his copies, shall cause one of them to be posted up

up in a conspicuous place in his office; every Head Teacher of a Public or Separate School shall post up one copy on the door of the School-house; and every Postmaster shall post up one copy in his post-office. R.S.O. 1897, c. 7, s. 11.

13. The Clerk shall also forthwith cause to be inserted at least once in a newspaper published in the municipality, or in case none is published therein, then in a newspaper published either in the nearest municipality in which one is published, or in the County Town, a notice (Form 3), signed by him, which shall state that he has delivered or transmitted the copies of the list as directed by this Act, and the date of the first posting up of the list in his office. R.S.O. 1897, c. 7, s. 12.

Clerk to publish notice of transmission and posting up of list.

REVISION OF LISTS.

14.—(1) The list shall be subject to revision by the Judge, at the instance of any voter who complains that the names of voters have been omitted from the list, or wrongly stated therein, or that the names of persons who are not entitled to be voters have been entered on the list.

Revision of list by County Judge.

(2) Upon such revision the finally revised assessment roll shall not be conclusive evidence in regard to any matter.

Assessment roll not conclusive.

(3) Upon such revision no person shall be disentitled to have his name entered on the list, by reason of his having omitted to make, sign or deliver any statement or affidavit required by *The Assessment Act*, or of his name not having been entered on the assessment roll.

Rev. Stat. c. 224.

(4) The decision of the Judge, in regard to the right of any person to vote, or as to the right to enter on or strike from the list the name of any person as a voter, shall be final. R.S.O. 1897, c. 7, s. 13.

Judge's decision final.

(5) In the case of a list for a town, incorporated village or township, the Judge may receive as evidence in support of an application to have the name of a person entered on the list, the affidavit of such person or of some other person who has and deposes that he has personal knowledge of the matters set forth in the affidavit (Form 4); Provided that the affidavit is delivered to the Clerk of the Municipality before the time for making complaints has expired.

Affidavit evidence of right to be entered on list.

15.—(1) Any voter whose name is entered on or who is entitled to have his name entered on the list for the municipality shall have the right for all purposes of this Act upon giving notice in writing (Form 5) within thirty days after the Clerk has posted up the list in his office, to apply, complain

who may appeal or complain.

complain or appeal to have his own name or the name of any other person corrected in, entered on or removed from the list for the municipality.

Persons who have acquired qualification before time for giving notice has expired.

(2) A person who has acquired the qualification entitling him to vote at a provincial or municipal election before the time for giving the notice of appeal to the Judge has expired, shall be deemed to be a person entitled to be entered on the list, and in the case of a municipal voter if entered thereon he shall be entered also on the assessment roll, and shall be assessed for his property or income, if not already assessed therefor, without any request on his part, and the Judge and Clerk shall for the purposes of such assessment have the powers and perform the duties mentioned in section 41.

Persons who will be of age within thirty days.

(3) A person who will be of the age of twenty-one years within thirty days after the day fixed for hearing appeals to the Judge, if otherwise qualified, shall be deemed to be a person entitled to have his name entered on the list, but he shall not be entitled to vote until he is of the age of twenty-one years.

Powers of County Judge.

16. The Judge may, without a previous notice of appeal or complaint, on an application made by or on behalf of any person entered on the list, correct any mistake which shall appear to have been made in compiling the list in respect of the name, place of abode, qualification, or of the local or other description of the property, of a person entered on the list, and with respect to whose right to be so entered an appeal or complaint is pending before the Judge. R.S.O. 1897, c. 7, s. 15.

Proceedings on complaint of errors in list.

17.—(1) A voter making a complaint of any error or omission in the list shall, within thirty days after the Clerk of the Municipality has posted up the list in his office, give to the Clerk or leave for him at his residence or place of business, notice in writing (Form 5) of his complaint.

Vacancy in office of Clerk.

(2) If the office of Clerk is vacant, the notice may be given in like manner to the head of the Council of the Municipality, and he shall perform all the duties of the Clerk.

Procedure as in appeal from Court of Revision.

(3) The proceedings thereafter by the Judge, Clerk, and the parties respectively, and the powers and duties of the Judge, Clerk and other persons, shall be the same, as nearly as may be, as in the case of an appeal from the Court of Revision under *The Assessment Act*; but no deposits shall be required. (See Forms 5-10.)

Notice of holding Court for complaints.

(4) The Judge shall not proceed with the holding of any Court for hearing complaints until notice (Form 9) of the time and place of holding the Court shall have been published by the Clerk at least ten days before the sittings of the

the Court, in some newspaper published in the municipality, or, if there be no such paper, then in a newspaper published in the nearest municipality in which one is published, or in the county town. R.S.O. 1897, c. 7, s. 17.

18.—(1) Any person may obtain from the County Court of the County a subpoena (Form 12), or from the Judge an order, requiring the attendance at the Court for hearing complaints, at the time mentioned in the subpoena or order, of a witness residing or served with the subpoena or order, in any part of Ontario, and requiring the witness to produce any papers or documents mentioned in the subpoena or order; and every witness served with the subpoena or order shall obey the same, provided his expenses, according to the scale allowed in Division Courts, are paid or tendered to him at the time of service. Compelling attendance of witnesses.

(2) Any person in respect of the entry or omission of whose name a complaint is made, shall, if resident within the municipality for or in which the Court is held, upon being served with a subpoena or order obey the same without being tendered or paid his expenses; and the subpoena or order shall be deemed to have been sufficiently served:— Compelling attendance of persons whose right is in question.

(a) If the subpoena or order is served upon him personally; or

(b) Where he has a known residence or place of business within the municipality, if a copy of the subpoena or order is left for him with some grown up person, at such residence or place of business; or

(c) Where he has no known residence or place of business within the municipality, if a copy of the subpoena or order, at least six days before the sitting of the court, is mailed to him, by registered letter, directed to him at the post office address contained in any affirmation made by him under *The Assessment Act*, and where no such affirmation has been made, directed to him at his last known post office address, and also by separate registered letter directed to the post office nearest to the polling subdivision in which he is entered, unless such last mentioned post office is his last known post office address; or 4 Edw. VII., c. 23.

(d) Where he is a farmer's son, if a copy of the order or subpoena is left for him with some person at the residence of the farmer whose son he is.

Penalty for non-attendance.

(3) If a person, whose right to be a voter is the subject of enquiry, does not attend in obedience to the subpoena or order, the Judge, in the absence of satisfactory excuse being shown for the non-attendance, or of proof of right of the person to be a voter, may, on the ground of his non-attendance, strike his name off, or refuse to enter his name on the list, or impose on him a fine not exceeding \$20 or may do both.

Entry of name on previous list to be evidence of certain facts.

(4) The fact that the name of the person is entered on the last revised voter's list of the Electoral District shall be *prima facie* evidence that he is a British subject and twenty-one years of age.

More than one name may be entered in subpoena.

(5) The names of any number of witnesses may be inserted in one subpoena or order.

When qualification incorrectly stated.

19. If on complaint or appeal to strike off the name of any person on the list it appears that the qualification of such person is incorrectly set forth therein, but that he has the qualification necessary to entitle his name to be entered on the list, the Judge shall not strike off the name of such person, but shall make such alterations in the list as are necessary to set forth the proper qualification of such person, and in so doing may, if the name has not been entered on the proper part of the list, enter the same thereon.

Time within which list to be revised.

20. The Judge shall so arrange and proceed, and fix the sittings of the Court, that all the complaints shall be heard and determined, and the list finally revised, corrected and certified, within two months from the last day for making complaints. R.S.O. 1897, c. 7, s. 19.

List confirmed if no complaint within 30 days after list posted up by clerk.

21. If no complaint is made within thirty days after the Clerk has posted up the list in his office, he shall forthwith apply (Form 13), either in person or by letter, to the Judge to certify (Form 14) three copies of the list as being the revised list of voters for the municipality; and the Judge shall certify such three copies and retain one, and deliver or transmit by post, registered, one to the Clerk of the Peace, and one to the Clerk of the Municipality, to be kept by him among the records of his office. R.S.O. 1897, c. 7, s. 20.

Statement of changes on list.

22. If any complaint is made, immediately after the list has been finally revised, the Judge shall furnish to the Clerk a statement of the changes made by him in the list. The Clerk shall thereupon prepare three corrected copies of the list as revised by the Judge, and shall, within one week after the revision has been made, transmit or deliver to the Judge such three copies, which the Judge shall thereupon certify and sign (Form 15); and he shall deal

deal with the certified copies in the manner directed by section 22.

23.—(1) After the list has been certified and before the nomination day at any election, the Judge may, upon the application of a voter, strike from the list the name of any person who has died since the list was certified; and for that purpose the certificate of the Registrar-General or of the Division Registrar shall be sufficient evidence of death, but if the identity of the person proved to be dead with the person whose name is sought to be struck off is disputed or open to reasonable doubt, proof of the identity shall be required.

Striking off
names of
persons dying
after revision.

(2) The proceedings shall be the same as nearly as may be as those which are prescribed for the revision of the list, except that it shall not be necessary to publish notice of the sittings of the Court, and the Judge and the officers named in this Act shall have the same jurisdiction as in the case of proceedings to revise the list under this Act. R.S.O., 1897, c. 7, ss. 22, 23.

24. The certified list shall, upon a scrutiny, under *The Ontario Election Act*, or *The Municipal Act*, be final and conclusive evidence that all persons named therein, and no others, were qualified to vote at any election at which such list was, or was the proper list to be used; except

Certified list
conclusive
evidence.

1. Persons guilty of corrupt practices at or in respect of the election in question on such scrutiny, or since the list was certified by the Judge;

Exceptions.

2. Persons who, subsequently to the list being certified, are not or have not been resident either within the municipality to which the list relates, or within the electoral district for which the election is held, and who by reason thereof are, under the provisions of *The Ontario Election Act*, disentitled to vote;

Rev. Stat. c. 9.

3. Persons who, under sections 4 to 7 of *The Ontario Election Act* are disqualified and incompetent to vote. R.S.O. 1897, c. 7, s. 24.

25.—(1) It shall be the duty of the municipality within which a Court is to be held, to provide a suitable and convenient place, properly furnished, heated and lighted for the holding of the Court, and in default thereof the Judge may hold the Court at such place in the County as he may deem proper; and if the Court is held elsewhere than in the Court House of the County, the occupant of the building in which it is held may recover from the municipality the sum of \$5 for each day on which the building was used for the purposes of the Court.

Municipality
to provide a
court room.

(2) Every Court held in the county town shall be held in the Court House, or in such other place as the Judge may deem proper. R.S.O. 1897, c. 7, s. 25.

Courts in
county towns.

Powers of
Judge.

26. In all proceedings before the Judge he shall have all the powers which belong to or might be exercised by him in the County Court. R.S.O. 1897, c. 7, s. 26.

Clerk to be
subject to
summary jur-
isdiction of
Judge.

27. The Clerk of every Municipality shall be subject to the summary jurisdiction and control of the Judge in the performance of his duty under this Act, in the same manner as an officer of the County Court is to the Court. R.S.O. 1897, c. 7, s. 27.

Remuneration
of clerk.

28. The Clerk shall be entitled to the actual and reasonable disbursements necessarily incurred by him in serving a notice of complaint or appeal, when served by him, and unless he is by the terms of his employment required to discharge the duties imposed upon him by this Act without such remuneration, shall also be entitled to the following compensation :

1. Two cents for the name of every person entered in the list of complaints and in respect to whom appeal was made.

2. Two cents for every name entered in any necessary copy of the list of complaints.

3. Eight cents for every necessary notice to any party complaining or complained against.

4. Three dollars for every day's attendance at the sittings of the Court. R.S.O. 1897, c. 7, s. 28.

Appointment
of constable.

29.—(1) The Judge shall have power to appoint a proper person to attend as constable at the sitting of the Court; and the duties and powers of such person shall be as nearly as may be the same as those of a bailiff at a sitting of a Division Court.

Constable's
fees.

(2) The person acting as constable shall be entitled to the following compensation; that is to say:—

1. For every day's attendance, two dollars.

2. For the service of any process or notice, including the receipt and return thereof, and all other duties connected therewith when allowed by the Judge, a sum not exceeding ten cents per mile one way for each mile actually and necessarily travelled to effect such service. R.S.O. 1897, c. 7, s. 29.

Payment of
fees.

30. The compensation to which the Clerk and Constable are respectively entitled shall be certified by the Judge and paid to the Clerk and Constable respectively by the Treasurer of the Municipality upon the production and deposit with him of the Judge's certificate. R.S.O. 1897, c. 7, s. 30.

Report by
Judge as to
frauds, etc

31. If the Judge who holds the Court is of opinion that any person has contravened sections 46 or 47 of this Act,

or

or that frauds in respect to the assessment or the list have prevailed extensively in the municipality, he shall report the same to the Attorney-General, with particulars as to names and facts. R.S.O. 1897, c. 7, s. 31.

32. The Judge may amend any notice or other proceeding upon such terms as he may think proper. R.S.O. 1897, c. 7, s. 32. Amendments.

33. If an appellant or complainant dies or abandons his appeal or complaint, or having been on the alphabetical list made and posted by the Clerk as aforesaid, is afterwards found not to be entitled to be an appellant, the Judge may, in his discretion, allow any other person who might have been an appellant or complainant to intervene and prosecute the appeal or complaint, upon such terms as the Judge may think just. R.S.O. 1897, c. 7, s. 33. Substitution of new appellant.

34.—(1) If errors are found in the Voters' List on the revision thereof, in the omission of names, the inaccurate entry of names, or the entry of names of persons not entitled to vote, and it appears to the Judge that the Assessor or Clerk was blamable for any of the errors, the Judge may order (Form 16) the Assessor or Clerk respectively, to pay all costs occasioned by such error. Costs occasioned by errors may be ordered to be paid by persons responsible therefor.

(2) In case of errors for which the Court of Revision is blamable, the Judge may order the municipality to pay the costs occasioned by such errors.

(3) In all cases not herein provided for, the costs shall be in the discretion of the Judge. R.S.O. 1897, c. 7, s. 34.

35. The costs to be allowed on any proceeding under this Act shall be according to the lowest scale of costs in an action in a Division Court. R.S.O. 1897, c. 7, s. 35. Division Court costs only to be allowed.

36. An unsuccessful appellant or complainant shall be liable to pay the witness fees only, unless, in the opinion of the Judge, the complaint or appeal is frivolous or vexatious, or has not been made in good faith. The Judge may order the appellant or complainant to pay in addition any other costs allowed by section 35. R.S.O. 1897, c. 7, s. 36. Liability of appellant for costs.

37. Payment of costs may be enforced by an execution (Form 17) against goods and chattels, to be issued from the Division Court of the division within which the municipality or part thereof is situated, upon filing therein the order of the Judge, and an affidavit showing the amount at which the costs have been allowed and the non-payment thereof. R.S.O. 1897, c. 7, s. 37. Enforcing payment of costs.

Affidavits not to be sworn before candidate.

38. No affidavit or declaration which is sworn or acknowledged before a candidate for the Legislative Assembly, shall be used upon the revision of a voters' list, 61 V. c. 3, s. 2.

REFERENCE TO COURT OF APPEAL.

Stating case for opinion of Court of Appeal.

39.—(1) In order to facilitate uniformity of decision without the delay and expense of appeals,

(a) A Judge may state a case on any general question arising or likely to arise, and may transmit the same to the Lieutenant-Governor in Council, who may immediately refer the case to the Court of Appeal for the opinion of the Court; or

(b) The Lieutenant-Governor in Council may state a case on any such general question to the Court of Appeal, for a like opinion.

Fixing time and place of hearing argument.

(2) Immediately upon the receipt of the case it shall be the duty of the Court to appoint a time and place for hearing argument, of which written notice shall be given by the Registrar of the Court posting up a copy of the notice in the Central Office at Osgoode Hall, in Toronto, at least ten clear days before the time appointed.

Hearing.

(3) At the time appointed the Court shall hear argument by such of the counsel present as the Court may think fit to hear and shall certify to the Lieutenant-Governor in Council the opinion of the Court thereon and the opinion shall forthwith be published in the *Ontario Gazette*, and a copy of the opinion shall forthwith be sent to the Judge of every County Court. R.S.O. 1897, c. 7, s. 38.

Opinion to be published.

Opinion at instance of voter.

40. The Court of Appeal may also give an opinion on any question at the instance of any voter, if the Court sees fit; and the proceedings with respect thereto shall be, as nearly as may be, the same as upon a case referred; but the Court or a Judge thereof may require a deposit of money to cover the costs of hearing the question argued by counsel, and may require notice of the proceedings, or any of them, to be given to such person as the Court or Judge may direct. R.S.O. 1897, c. 7, s. 39.

LIABILITY FOR TAXES OF PERSONS WHOSE NAMES ARE ADDED.

Liability of persons whose names are added to roll on revision.

41. If any person who is found entitled to be a voter at municipal elections is not assessed, or is insufficiently assessed, the Judge shall enter the name of such person on the roll together with the other particulars required by *The Assessment Act* to be set opposite the name of the person assessed, including the value of the property or income in respect

respect of which the assessment is made which shall be determined by the Judge. Corresponding corrections shall be made by the Clerk in the Collector's roll.

FAILURE OF CLERK TO PERFORM HIS DUTIES.

42. The non-performance by the Clerk of any of his duties under this Act within the times appointed, shall not affect the validity of any list. R.S.O. 1897, c. 7, s. 41. Lists not vitiated by failure of clerk to perform duties.

43.—(1) In case the Clerk fails to perform any of his duties, the Clerk of the Peace shall forthwith apply summarily (Form 18) to the Judge to enforce the performance of the same. Summary application if clerk fails to perform his duties.

(2) The application may also be made by any voter. Application by voter.

(3) The Judge shall require (Form 19) the Clerk and any other person he sees fit, to appear before him and produce the assessment roll, and any documents relating thereto, or to the list, and to submit to examination on oath, and may thereupon make such order and give such directions as he may deem proper. Proceedings by Judge.

(4) The Clerk shall pay the costs of the proceedings, unless on special grounds the Judge shall otherwise order, in which case the Judge may direct how and by whom the costs shall be paid. Liability of clerk for costs.

(5) The proceedings and order of the Judge shall not relieve the Clerk from the penalty hereinafter imposed. R.S.O. 1897, c. 7, s. 42. Judge's order not to relieve clerk from penalty.

44. If the Clerk omits, neglects or refuses to perform any of the duties hereinbefore required of him, for such omission, neglect or refusal, he shall incur a penalty of \$200. R.S.O. 1897, c. 7, s. 43. Penalty for neglect of duties by clerk.

45. The wilful alteration of, omission from, incorrect entry in, or falsification of a certified list or copy thereof shall be an offence; and any Clerk of a municipality, Clerk of the Peace or other person who commits such offence, or wilfully permits the same to be committed, shall incur a penalty of \$2,000. R.S.O. 1897, c. 7, s. 44. Penalty for wilfully falsifying lists.

COLOURABLE TRANSFER OF PROPERTY.

46.—(1) No person shall be a party to any instrument, or to any verbal arrangement, whereby a colourable qualification is conferred or sought to be conferred upon himself or any other person in order to enable him to become a voter. Colourable transfer of property in order to confer vote.

Penalty.

(2) Any person violating the provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall incur a penalty of \$100.

Procuring commission of offence.

(3) Any person who induces or attempts to induce another to commit an offence under this section, shall incur a like penalty. R.S.O. 1897, c. 7, s. 45.

CREATION OF FALSE VOTES.

Assessor to make inquiries before assessing persons claiming to be assessed.

47.—(1) To prevent the creation of false votes, where a person claims to be assessed, or to be entered or named in an assessment roll, or claims that another person should be assessed, or entered or named in an assessment roll so as to entitle him to be a voter, and the assessor has reason to suspect that the person so claiming or for or in respect to whom the claim is made, ought not to be so assessed, or so entered or named in the roll, it shall be the duty of the assessor to make reasonable inquiries before assessing, entering, or naming any such person in the assessment roll.

Penalty for improper insertion of names in roll.

(2) Any person who wilfully and improperly enters or procures or causes to be entered the name of a person in an assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent to give to a person not entitled thereto, either the right or an apparent right to be a voter; or who wilfully enters, or procures or causes to be entered a fictitious name in an assessment roll, or who wilfully and improperly omits, or procures or causes to be omitted the name of a person from an assessment roll, or assesses, or procures or causes the assessment of a person at too low an amount, with intent to deprive a person of his right to be a voter, shall incur a penalty of \$200. R.S.O. 1897, c. 7, s. 48.

RECOVERY OF PENALTIES AND FINES.

Recovery of penalties.

48.—(1) Any penalty mentioned in the next preceding four sections may be recovered with costs by any person suing for the same in any Court of competent jurisdiction. R.S.O. 1897, c. 7, s. 46.

Trial of actions for penalties.

(2) Actions for penalties incurred under this Act shall be tried by a Judge without a jury. R.S.O. 1897, c. 7, s. 47.

INSPECTION AND COPIES OF DOCUMENTS.

Right to inspect and copy assessment rolls, etc.

49. A voter, and an agent of a voter may, at all reasonable times, and under reasonable restrictions, inspect and take copies of or extracts from assessment rolls, notices, complaints, applications, and other documents and proceedings

ceedings necessary or of use for the carrying out of the provisions of *The Municipal Act*, *The Assessment Act*, 3 Edw. VII. c. 19; 4 Edw. VII. c. 23. or of this Act; and the Clerk for the said purposes shall accord all reasonable facilities which may be consistent with the safety of the documents, and the rights and interests of all persons concerned, and shall in regard to the matters aforesaid be subject to the direction of the Judge. R.S.O. 1897, c. 7, s. 49.

50.—(1) The Clerk of the Peace and the Clerk of a Municipality having the custody of the list, shall furnish Clerks to furnish copies of voters' lists. to any person who may require the same a certified copy of the list, then last revised and certified, or of any portion thereof, on being paid at the rate of four cents for every ten names on such list or portion thereof.

(2) If printed copies are furnished the fee for each copy shall be six cents, and all alterations made therein shall be verified by the initials of the officer furnishing such copies; and for every ten names in respect of which there are alterations or interlineations he shall be entitled to be paid an additional fee of four cents. Fee when printed copies furnished.

(3) For each copy of the list or of any of the parts thereof furnished to the Returning Officer, according to Form 6 in Schedule A to *The Ontario Election Act*, or according to Schedule C to *The Municipal Act*, the Clerk of the Peace furnishing the same shall be entitled to receive the sum of six cents for every ten voters whose names are on such list or part as the case may be. R.S.O. 1897, c. 7, s. 50. Fees. Rev. Stat. c. 9; 3 Edw. VII. c. 19.

(4) In lieu of a copy of a list or portion thereof, the Clerk of the Peace or the Clerk of the Municipality if required shall furnish a statement of the alterations and corrections made by the Judge, and the fees payable for such statement shall be at the rate of four cents for every ten names. R.S.O. 1897, c. 7, s. 51. Copies of alterations made in lists by Judge to be given to applicants.

PART II.

PREPARATION OF WARD LISTS.

51. Immediately after the return by the assessor of the assessment roll for any ward or subdivision of a ward, and without waiting for the revision and correction of the roll by the Court of Revision or by the Judge, the Clerk of every city to which the provisions of this Part applies, shall prepare and print the alphabetical list of voters for such ward or subdivision in the manner prescribed by Part I. 62 V. (2), c. 3, s. 3, part; 2 Edw. VII. c. 5, s. 1. Preparation of list where roll returned and revised by wards.

Posting up and
distributing
lists.

52. Forthwith after the preparation and printing of the last of such lists the clerk shall post up and distribute each of the alphabetical lists for each ward or subdivision in the manner prescribed by Part I., and forthwith after the Clerk has posted up the lists in his office, he shall cause a notice to be inserted once a week for three weeks in each daily newspaper published in the city calling upon persons who are aware of errors or omissions in the lists or of changes which have been rendered necessary by reason of the death or removal of any person named therein or by reason of any person having acquired the necessary qualifications as a voter since the return or final revision of the assessment roll for any such ward or subdivision of a ward to give notice of the same and shall name a time and place at which the Judge will hold the court for revising the lists for the whole city. The time for making complaints as to errors or omissions in the lists shall be within twenty-one days after the first publication of the notice. 62 V. (2), c. 3, s. 3, part.

Time for final
revision of lists.

53. The Judge shall so arrange and proceed, and so fix the sittings of the court for hearing complaints against or in respect of the lists that the complaints shall be heard and determined and the lists finally revised and certified in manner provided by Part I. within ten days after the last day for making complaints and in any case before the twentieth day of December. 62 V. (2), c. 3, s. 3, part.

Certifying lists
where no com-
plaint made.

54. If no complaint respecting any of the lists is received by the Clerk within twenty-one days after the first publication of the notice the Clerk shall forthwith apply to the Judge to certify three copies of each of the lists as being the last revised list of voters for the ward or subdivision, and the Judge shall certify such three copies and retain one, and deliver, or transmit by post registered, one to the Clerk of the Peace, and one to the Clerk of the Municipality to be kept by him among the records of his office. 62 V. (2), c. 3, s. 3, part.

Procedure
where com-
plaints are
made.

55.—(1) If any complaint is made as aforesaid with respect to any of the lists within such period the Judge shall proceed as provided by section 22 of this Act, and sections 23 and 24 of this Act shall apply to the lists prepared under this Part.

When changes
made in assess-
ment roll
subsequent to
preparation
of list.

(2) If the assessment roll is not finally revised before the final revision and certifying of the lists by the Judge, and upon appeal to the Judge from the court of revision alterations are made in the assessment roll affecting the right of any person to be entered on any of the lists, the Judge shall forthwith after the final revision of the roll make

make out a list of such alterations and deliver the same to the Clerk, who shall make corresponding changes in the certified copies of the revised list and the Judge shall initial the same. A copy of the list of alterations shall be posted up by the Clerk in his office. 62 V. (2), c. 3, s. 3, part; 2 Edw. VII. c. 5, s. 2.

56. The lists as so revised, corrected and certified by the Judge shall together form from time to time the last revised Voters' List for the city within the meaning of this Act, *The Ontario Election Act* and *The Municipal Act*, and the date fixed by section 54 as the last day for making complaints to the Judge shall be deemed to be the last day for making complaints to the County Court Judge within the meaning of any oath prescribed by any of said Acts and such date shall be inserted in any such oath when the voting is upon a list prepared under this Part. 62 V. (2), c. 3, s. 3, part.

Lists to form together the revised voters list for the city.

PART III.

LISTS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

57. The Lieutenant-Governor in Council may appoint Enumerators whose duty it shall be to prepare biennially the Voters' List for those parts of the Province without municipal organization.

Enumerators to be appointed.

58. Every Enumerator before entering upon his duties shall take the oath of office before a District or County Judge or Stipendiary Magistrate according to Form 20 to this Act, which oath the Enumerator shall forthwith transmit to the Clerk of the Crown in Chancery. R.S.O. 1897, c. 7, s. 62.

Oath of enumerator.

59.—(1) So soon after the first day of June in each year in which lists are to be prepared under this Part, as may be convenient, but not later than the first day of July, and whenever the preparation of a list is directed by Proclamation forthwith thereafter, the Enumerator shall cause to be posted in a conspicuous manner throughout those parts of the territory for which he is appointed at every public and separate school house, and at every statutory polling place, and at every other place which may be directed by the Lieutenant-Governor in Council, a copy of this Part, and one or more printed notices in accordance with Form 21; and the Enumerator shall attend at the time and place mentioned in the notice. R.S.O. 1897, c. 7, s. 63; 4 Edw. VII. c. 10, s. 2.

Copy of Part and notice of preparation of list to be posted up.

Earlier
preparation
of lists.

(2) Provided that the Lieutenant-Governor in Council may by proclamation direct that voters' lists for those parts of the Province without municipal organization or for any specified electoral district shall be prepared at an earlier date than that herein directed, and shall so direct when an election is about to be held and the lists to be used thereat would otherwise at the date of such election be more than one year old. R.S.O. 1897, c. 7, s. 61; 4 Edw. VII. c. 10, s. 1.

Enumerator to
ascertain who
may vote.

60. Not less than thirty days after the posting of the notices the Enumerators shall visit every part of the territory where by the statute or by proclamation of the Lieutenant-Governor in Council there is required to be a polling place, and shall ascertain the names of all persons who are entitled to have their names entered on such lists, including any who may deliver to him an affidavit according to Form 22a or 22b. R.S.O. 1897, c. 7, s. 65.

Duties of
Enumerator.

61. Save as otherwise provided the Judge and Enumerator, so far as the same are applicable to territory without municipal organization, shall respectively perform the duties assigned to the Judge and to the Clerk of a Municipality and the Judge by this Act elsewhere in the Province, and the forms and notices, and other proceedings, shall be the same as nearly as may be, and be taken at and within the same times and with the same effect as in case of lists elsewhere in the Province. R.S.O. 1897, c. 7, s. 64.

Proceedings.

List to be in
part.

62. The list shall be in several parts, one part for each polling place, and the name of each voter shall be entered in that part, the polling place for which is most convenient for him. R.S.O. 1897, c. 7, s. 66.

Enumerator
to make
affidavit.

63. The Enumerator shall on completion of his list attach thereto an affidavit, to be made before the District or County Judge or Stipendiary Magistrate, according to Form 23. R.S.O. 1897, c. 7, s. 67.

List not in-
validated by
default of
Enumerator.

64. The non-performance by the Enumerator of any of his duties under this Act within the times appointed shall not affect the validity of any list.

APPEALS.

Appeal to
district or
county judge.

65.—(1) There shall be an appeal to the Judge in the same manner as elsewhere in the Province, and the Judge shall attend to hear the appeals at such places as may be convenient for the parties concerned, and shall give due notice thereof.

(2) A voter may also appeal with respect to the polling place at which his name is entered. R.S.O. 1897, c. 7, s. 68.

(3) At least thirty days' notice of the hearing of such appeals shall be given (Form 24) by publication in a newspaper published in the County or District and by posting as required by section 59 of this Act.

(4) The proceedings in respect to such appeals shall be, as nearly as may be, the same as upon appeals under Part I. R.S.O. 1897, c. 7, s. 69.

66. If there is no appeal within 30 days, the Enumerator shall forthwith deposit in the offices of the Sheriff, of the Stipendiary Magistrate, of the Police Magistrate and of the Clerk of the Peace, respectively, a copy of his list certified by the Judge. R.S.O. 1897, c. 7, s. 70.

Certified list to be deposited in certain offices.

67. An Enumerator for preparing and the Judge for revising the lists required by this part shall be entitled to receive the sum of \$4 per day for the time during which he was engaged therein, and all reasonable personal expenses and disbursements. The expenses for preparing the lists under this Part and incidental thereto shall be paid out of any moneys which may be appropriated by the Legislature for that purpose. R.S.O. 1897, c. 7, s. 71.

Fees and expenses.

68. The provisions of sections 42 and 43 shall apply to this Part.

Application of ss. 42, 43.

OFFICERS NOT TO BE CANDIDATES.

69. No Enumerator, and no person in whose office the list is deposited under section 66, shall be a candidate for election to the Legislative Assembly at any election for which the list is to be used. R.S.O. 1897, c. 7, s. 72.

Officers preparing list not to be a candidate.

70. If an Enumerator omits, neglects or refuses to perform any of the duties hereinbefore required of him, for each omission, neglect or refusal, he shall incur a penalty of \$200.

Penalty for neglect Enumerator

71. The wilful alteration of, omission from, incorrect entry in or falsification of any certified list or copy thereof shall be an offence, and any Enumerator, Clerk of the

Penalty for making false lists.

Peace

Peace, Sheriff, Police Magistrate or other person who commits such offence or wilfully permits the same to be committed shall incur a penalty of \$2,000.

Recovery of penalties.

72.—(1) Any penalty mentioned in the next preceding two sections may be recovered with costs by any person suing for the same in any Court of competent jurisdiction.

(2) Actions for penalties incurred under the next two preceding sections shall be tried by a Judge without a jury.

VOTERS' LISTS PREPARED IN 1905.

Rev. Stat.
c. 7. Part III.
suspended for
two years.

73. Unless otherwise ordered by the Lieutenant-Governor in Council the operation of this part of this Act is suspended for two years from the first day of February, 1906.

Rev. Stat., c. 7
repealed.

74. *The Ontario Voters' Lists Act*, and all amendments thereto, are hereby repealed.

SCHEDULE OF FORMS.

FORM. 1.

(Sections 6, 7.)

FORM OF VOTERS' LIST.

Voters' List, 19 . Municipality of

SCHEDULE OF POST OFFICES.

- | | |
|-------------------|----------------------|
| 1. North Augusta. | 3. Wright's Corners. |
| 2. Maitland. | 4. Prescott. |

POLLING SUBDIVISION No. 1, COMPRISING, ETC. :—(*Giving the limits.*)

PART I.—Persons entitled to vote at BOTH Municipal Elections and Elections to the Legislative Assembly.

| NO. ON ROLL. | NAME. | Occupation. | LOT. | CON. OR STREET. | | POST OFFICE ADDRESS. |
|--------------------|-------------------|-------------|---------------------|--------------------|-----------------|----------------------------|
| 6 | Anderson, Henry. | | N W $\frac{1}{2}$ 6 | 3 | M.F. and Owner | 1 |
| 14 | Andrews, John .. | | W 14 acres 8 | 1 | M.F. and Tenant | 4 |
| 1 | Archer, James.... | | 2 | 9 | M.F. and Income | 4 |
| 50 | Brown, Simon.... | | W $\frac{1}{2}$ 9 | 2 | M.F. and F.S. | 3 |
| 71 | Burton, Samuel.. | | E $\frac{1}{2}$ 17 | 4 | See Subdiv. No. | 2 |
| | Etc. | | Etc. | Etc. | Etc. | Etc |

PART

PART II.—Persons entitled to vote at Municipal Elections ONLY.

| NO. ON ROLL. | NAME. | LOT. | CON. OR STREET. | | POST OFFICE ADDRESS. |
|--------------|---|---------------------------------|-----------------|---------------------------------|----------------------|
| 4 82 | Archer, Henry..... Burk, Edmund..... Etc. | 4 W $\frac{1}{2}$ 17 Etc. | 3 4 Etc. | Owner. Farmer's Son. Etc. | 2 3 Etc. |

PART III.—Persons entitled to vote at Elections to the LEGISLATIVE ASSEMBLY ONLY.

| NO. ON ROLL. | NAME. | LOT. | CON. OR STREET. | | POST OFFICE ADDRESS. |
|--------------|---|--------------------------------|-----------------|------------------------|----------------------|
| 43 8 | Acroyd, James..... Amos, Joseph..... Etc. | N $\frac{1}{2}$ 3 3 Etc. | 4 7 Etc. | M. F. M. F. Etc. | 3 3 Etc. |

POLLING SUBDIVISION No. 2, COMPRISING, ETC. :—(*Giving the limits.*)
ETC., ETC., ETC.

R.S.O. 1897, c. 7, Form 1.

FORM 2.

(Section 11.)

CERTIFICATE TO BE ENDORSED ON VOTERS' LIST.

I, A. B., Clerk of the Municipality of _____, in the County of _____, do hereby certify that Parts 1 and 3 of the within (or above) list constitute a correct list for the year 19____ of all persons appearing by the last revised Assessment Roll of the said Municipality to be entitled to vote at Elections for Members of the Legislative Assembly; and that Parts 1 and 2 constitute a correct list for the said year of all persons appearing by the said Roll to be entitled to vote at Municipal Elections in the said Municipality; and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

Dated this _____ day of _____
A. B.,
Clerk of _____

R.S.O. 1897, c. 7, Form 2.

FORM 3.

(Section 13.)

CLERK'S NOTICE OF FIRST POSTING OF VOTERS' LIST.

Voters' Lists, 19____.—Municipality of the _____ of _____
County of _____

Notice is hereby given, that I have transmitted or delivered to the persons mentioned in section 9 of *The Ontario Voters' Lists Act*, the copies required by said sections to be so transmitted or delivered

delivered of the list, made pursuant to said Act, of all persons appearing by the last revised Assessment Roll of the said Municipality to be entitled to vote in the said Municipality at Elections for Members of the Legislative Assembly and at Municipal Elections; and that the said list was first posted up at my office at _____, on the _____ day of _____, 19____, and remains there for inspection.

And I hereby call upon all voters to take immediate proceedings to have any errors or omissions corrected according to law.

Dated, etc.

A. B.,
Clerk of

R.S.O. 1897, c. 7, Form 3.

FORM 4.

(Section 14, subsec. 5.)

I, _____ of the Township of _____ in the County of _____, make oath and say:—

1. That I am (or that _____ is to the best of my personal knowledge) a British subject of the full age of twenty-one years and not a citizen or a subject of any foreign country.

2. That I have (or that the said _____ has) resided in the Dominion of Canada for the nine months next preceding the day of _____ (Fill in the date fixed by Statute or by by-law authorized by Statute for beginning to make the assessment roll upon which the Voters' List is based).

[or

2. That I have (or that the said _____ has) resided in the Dominion of Canada for the twelve months next preceding the day of _____ (Fill in the date of the last day for making complaints to the County Judge).]

3. That I have (or the said _____ has) resided continuously in this municipality since the said date.

4. That I am (or the said _____ is) entitled to be entered on the Voters' List for the Township of _____

5. That I am not (or that the said _____ is not) disqualified under *The Election Act* or otherwise by law prohibited from voting at elections for the Legislative Assembly.

Sworn before me at the _____ of _____ in the County of _____ this _____ day of _____ A. D. 19____

(Signature Justice of the Peace).

This affidavit may be made before a Justice of the Peace, Commissioner for taking Affidavits or Notary Public.

FORM 5.

(Section 17, Subsec. 1.)

VOTERS' NOTICE OF COMPLAINT.

To the Clerk of the Municipality of the _____ of _____

I, *James Smith*, a voter (or person entitled to be entered on the Voters' List) for the Electoral District of _____, in which the said municipality is situated, complain (state the names of the persons in respect to whom complaint is made, and the grounds of complaint touching each person—or set forth in lists as follows, varying according to circumstances) that the persons whose names are set forth in the subjoined list No. 1 are entitled to be voters in the said Municipality, as shewn in said list, but are omitted from _____

from the Voters' List:—That the persons whose names are mentioned in the first column of the subjoined list No. 2 are wrongly stated in the Voters' List:—That the persons whose names are set forth in the first column of the subjoined list No. 3 ought not to have been entered on the Voters' List:—And that there are errors in the description of the property in respect to which the names are entered on the Voters' List (*or stating other errors*), as shewn in the subjoined list No. 4:—And take notice, that I intend to apply to the Judge in respect thereof, pursuant to the statute in that behalf.

Dated the day of , 19 .

JAMES SMITH,

Residence—Township of Beby.

Lists of Complaints mentioned in the above Notice of Complaints.

LIST No. 1 (*shewing voters omitted from or not entered on the Voters' List*).

| NAMES OF PERSONS. | GROUND ON WHICH THEY ARE ENTITLED TO BE ON THE VOTERS' LIST. |
|-------------------|--|
| James Tupper..... | Tenant to John Fraser, of N. $\frac{1}{2}$ lot 1, 2nd Con. |
| Simon Beauclerk.. | Manhood Franchise Voter. |
| Angus Blain..... | Assessed too low—property worth \$ |

LIST No. 2 (*shewing voters wrongly named in Voters' List*).

| NAMES OF PERSONS. | POLLING SUB-DIVISION. | PART OF LIST. | THE ERRORS IN STATEMENT UPON VOTERS' LIST. |
|-------------------|-----------------------|---------------|--|
| Joshua Townsend. | 2 | 1 | Should be <i>Joseph</i> Townsend. |
| John McBean..... | 4 | 1 | Should be John McBean <i>the younger</i> . |
| S. Connell..... | 3 | 2 | Should be <i>Simon</i> O'Connell. etc., etc. |

LIST No. 3 (*shewing persons wrongfully inserted in the Voters' List*).

| NAMES OF PERSONS. | POLLING SUB-DIVISION. | PART OF LIST | STATEMENT WHY WRONGFULLY INSERTED IN VOTERS' LIST. |
|-------------------|-----------------------|--------------|---|
| Peter White..... | 4 | 1 | Died before final revision of roll. |
| John May..... | 3 | 2 | Not entitled to Manhood Franchise. |
| David Walters.... | 2 | 2 | Assessed too high—property worth under \$ etc., etc. |

LIST No. 4 (*shewing voters whose property or qualification is erroneously described in Voters' List, etc.*)

| NAMES OF PERSONS. | POLLING SUB-DIVI- SION. | PART OF LIST. | ERRORS IN RESPECT TO PROPERTY OR OTHERWISE STATED. |
|-------------------|-------------------------------|---------------------|---|
| Stephen Washburn | 2 | 2 | Name should be in Sub-division No. 2. |
| Thomas Gordon... | 3 | 1 | Property should be W. $\frac{1}{2}$ lot 7, in 3rd Con. |
| Ronald Blue..... | 4 | 2 | Should be described as owner, not tenant. |

R.S.O. 1897, c. 7, Form 6.

FORM 6.

(Section 17.)

CLERK'S REPORT IN CASE OF APPEALS AND COMPLAINTS TO THE JUDGE.

To His Honour the Judge of the County Court of the County of

The Clerk of the Municipality of reports that the several persons mentioned in column 1 of the subjoined Schedule, and no others, have given to him written notice complaining of errors or omissions in the Voters' List for the said Municipality for 19 , on the grounds mentioned in column 2 of the said Schedule, and that such notices were received respectively at the dates set down in column 3 of the said Schedule.

Dated, etc.

A. B.,
Clerk of

Schedule.

| 1 NAME OF COMPLAINANT. | 2 ERRORS OR OMISSIONS COMPLAINED OF. | 3 DATE WHEN NOTICE OF COMPLAINT RECEIVED BY CLERK. |
|---------------------------|--|---|
| | | |

R.S.O. 1897, c. 7, Form 7.

FORM 7.

(Section 17.)

JUDGE'S ORDER APPOINTING COURT FOR HEARING COMPLAINTS AND
APPEALS.

To , Clerk of the Municipality of the

I appoint the of 19 , at the
hour of at in the said county, for holding a
Court to hear and determine the several complaints of errors and
omissions

omissions in the said Voters' List, for the Municipality of _____,
for 19____.

I direct that the Assessor for the Municipality shall attend the sittings of the said Court, and that the Assessment Roll and the minutes of the Court of Revision for the Municipality for 19 , be produced thereat.

Dated day of 19 .
Judge C. C.
R.S.O. 1897, c. 7, Form 8.

FORM 8.

(Section 17.)

NOTICE TO BE POSTED BY CLERK IN HIS OFFICE WITH LIST OF COMPLAINTS.

Notice is hereby given, that a Court will be held, pursuant to *The Ontario Voter's Lists Act*, at _____, on the _____ day of _____, 19____, at _____ o'clock, for hearing all complaints made against the Voters' List for the Municipality of _____ for 19____, particulars of which complaints are shown in the subjoined Schedule.

Dated, etc.

A. B.,
Clerk of

SCHEDULE.

| NAME OF PARTY COM- PLAINING. | NAME OF PERSON IN RESPECT TO WHOM APPEAL WAS MADE. | GROUNDS OF COMPLAINT ALLEGED. |
|---------------------------------|--|----------------------------------|
| | | |

R.S.O. 1897, c. 7, Form 9.

FORM 9.

(Section 17.)

CLERK'S ADVERTISEMENT OF COURT IN NEWSPAPER.

Notice is hereby given that a Court will be held, pursuant to *The Ontario Voters' Lists Act*, by His Honour the Judge of the County Court of the County of _____, at _____, on the _____ day of _____, 19____, at _____ o'clock _____ to hear and determine complaints of errors and omissions in the Voters' List of the Municipality of _____ for 19____.

Dated, etc.

A. B.,
Clerk of
R.S.O. 1897, c. 7, Form 10.

FORM 10.

(Section 17.)

CLERK'S NOTICE TO PARTY COMPLAINING.

The Ontario Voters' Lists Act.

You are hereby notified that a Court of Revision of the Voters' List, 19 , for the Municipality of will be held by the Judge of the County Court of the County of , at , on the day of 19 , at o'clock, at which Court all complaints will be heard and determined. A list of complaints is posted up in and you are hereby required to appear at the Court; and take notice, that the Judge may proceed to hear and determine the complaints, whether the parties complaining appear or not.

By order of His Honour the Judge of the County Court of the County of

Dated day of 19 .

To

A person complaining of error in the
Voters' List.

A. B.,
Clerk of the Municipality of , and
of the Court.

R.S.O. 1897, c. 7, Form 11.

FORM 11.

(Section 17.)

CLERK'S NOTICE TO PARTY COMPLAINED AGAINST.

The Ontario Voters' Lists Act.

You are hereby notified that a Court for the Revision of the Voters' List, 19 , for the Municipality of , will be held by the Judge of the County Court of the County of , at , on the day of 19 , at o'clock, and you are required to appear at the Court, for that has complained that your name is wrongly inserted in the said Voters' List because (*state matter of complaint concisely*). A list of all complaints lodged is posted up in ; and take notice, that the Judge may proceed to hear and determine the said complaint, whether you appear or not.

By order of his Honour the Judge of the County Court of the County of

To

Entered on Voters' List.

A. B.,

Clerk of the said Municipality, and
of the Court.

R.S.O. 1897, c. 7, Form 12.

FORM

FORM 12.

(Section 18, Subsec. 1.)

SEAL.

SUBPENA.

ONTARIO:
County of
To Wit.

EDWARD THE SEVENTH, by the Grace of
God, of the United Kingdom of Great
Britain and Ireland and of the British
Dominions beyond the Seas, King,
Defender of the Faith, Emperor of
India.

To

Greeting:

We command you, that, all excuses being laid aside, you be and
appear in your proper person before our Judge of our County Court
of the County of , at , on the
day of , 19 , at o'clock in the noon,
at a Court appointed, and there and then to be held, for hearing
complaints of errors in the Voters' List for 19 , of the Municipality
of the of , in the County of ,
and for revision of the said Voters' List, then and there to testify
to all and singular those things which you know in a certain matter
(or matters) of complaint made and now depending before the said
Judge, under *The Ontario Voters' Lists Act*, wherein one
is complainant, and which complaint is to be tried at the said Court.
(And if the witness is required to produce documents) that you
bring with you and produce at the said time and place. (*Set out
the documents to be produced.*) Herein fail not.

Witness, His Honour , Judge of our said Court at
the day of , in the year of our Lord 19 .

Clerk.

A. B.,

R.S.O. 1897, c. 7, Form 13.

FORM 13.

(Section 21.)

REPORT OF CLERK WHEN APPLYING FOR CERTIFICATE UNDER
SECTION 20.

To the Judge of the County Court of the County of
I, , Clerk of the Municipality of , in the
County of , do hereby certify as follows:

That I did, on the day of 19 , post up,
and for a period of thirty days next thereafter did keep posted up
in a conspicuous place in my office at , a correct printed
copy of the Voters' List for the Municipality of
for 19 , made in pursuance of *The Ontario Voters' Lists Act*,
with the certificate required by section 11 of the said Act endorsed
thereon.

That I did also deliver or transmit by post, by registered letter,
or by parcel post, registered, the required number of similar
printed copies of the List, with my certificate endorsed, to each
of the persons entitled to the same under section 9 of said Act.

That I did on the day of 19 , cause to be
inserted in the newspaper called the " " published
in , the notice required by section 13 of the said
Act.

That

That no person gave me nor did I receive, within thirty days after I had posted up the List in my office, any written notice of complaint or intention to apply to the Judge in respect to the List.

And that to the best of my knowledge and belief, I have complied with all the requirements of the said Act, so as to entitle me to apply for certified copies under section 21, and I now apply to you to certify three of the copies of the List received by you as being the Revised List of Voters for the municipality of the said
of for 19 .

Witness my hand this day of 19 . . .

Clerk of the Municipality of

.....P. O.

R.S.O. 1897, c. 7, Form 14.

FORM 14.

(Section 21.)

CERTIFICATE WHERE NO COMPLAINTS.

A. B., Clerk of the Municipality of the
, having certified under his hand that no complaint respecting the List of Voters for said municipality, for the year, 19 , had been received by him within thirty days after the first posting up of the same; and on application of the Clerk,
I, , Judge of the County Court of the County of , in pursuance of the provisions of *The Ontario Voters' List Act*, certify that the annexed printed List of Voters, being one of the copies received by me from the Clerk, under section 9 of the said Act, is the Revised List of Voters for the said Municipality for the year 19 .

Given under my hand and seal, at , this day
of , 19 .

Judge.

R.S.O. 1897, c. 7, Form 15.

FORM 15.

(Section 22.)

CERTIFICATE OF JUDGE WHEN COMPLAINTS HAVE BEEN MADE.

I, , Judge of the County Court of the County of , pursuant to section 22 of *The Ontario Voters' Lists Act*, do hereby certify that the above (*as the case may be*) is a correct copy of the List of Voters, for the year 19 , received by me from the Clerk of the Municipality of the of , according to my revision and correction thereof, pursuant to the provisions of the said Act.

Dated at , this day of , 19 .

Judge

R.S.O. 1897, c. 7, Form 17.

FORM

FORM 16.

(Section 34, Subsec. 1.)

ORDER FOR PAYMENT OF COSTS.

The Ontario Voters' Lists Act.

In the matter of the Voters' List for the Municipality of 19 , on the complaint or appeal of A. B., complaining of the name of C. D. being wrongly inserted in the said list (*or, as the case may be, stating in brief the nature of the complaint.*)

On proceedings taken before me I find and adjudge that the name of the said C. D. was rightly inserted in the said list (*or, was wrongly inserted in the said list*) and order that the said A. B. do pay the said C. D. his costs occasioned by the said complaint (*or, and order that the said C. D. shall pay the said A. B. his costs incident to the said complaint:—or, and order that E. F., the Assessor of the said Municipality, do pay the said A. B. his costs incident to the said complaint,—or as the case may be, stating it in brief*), which I fix at the sum of \$.

Dated at , this day of , 19 .

Judge.

R.S.O. 1897, c. 7, Form 18.

FORM 17.

(Section 37.)

WRIT OF EXECUTION.

In the Division Court in the County of .
Whereas on the day of , His Honour , Judge of the County Court of the County of , made his order that C. D. should pay to A. B. dollars as and for his costs sustained by him on the trial of a complaint against the Voters' List for the Municipality of in the said County, for 19 , (*or as the case may be*) made and prosecuted under the provisions of The Ontario Voters' Lists Act, which said costs have been fixed and allowed at the said sum. You are hereby required to levy of the goods and chattels of the said C. D. in the said County (not exempt from execution) the said money and your lawful fees, so that you may have the same within thirty days from the date hereof and pay the same over to the Clerk of this Court for the said A. B.

Given under the seal of the Court this day of , 19 .

X. Y.

Clerk.

To V. W.,

Bailiff of said Court.

FORM

FORM 18.

(Section 43, Subsec. 1.)

APPLICATION TO JUDGE AGAINST DELINQUENT CLERK.

Pursuant to section 43 of *The Ontario Voters' Lists Act*, I, A. B., Clerk of the Peace for the County of _____ (or, a person entitled to be entered on the Voters' List for the Municipality of _____, for 19 _____,) hereby inform His Honour the Judge of the County Court of the said County, that C. D., Clerk of the Municipality of _____, in the said County, has failed to perform the duties required of him as such Clerk by the said Act, in this, that he has not made out the Alphabetical List of Voters for 19 _____, for the said Municipality, within thirty days after the final revision and correction of the Assessment Roll thereof (or, has not delivered or transmitted printed copies of the Voters' List for the said Municipality, for 19 _____, to _____ and _____ or to any of them, or, as the case may be, stating in brief the duty not performed), according to the requirements of the Act; and I apply to you to enforce the performance of the duties aforesaid.

Dated this _____ day of _____ 19 _____
A. B.,
Clerk of the Peace.

R.S.O. 1897, c. 7, Form 21.

FORM 19.

(Section 43, Subsec. 3.)

SUMMONS.

The Ontario Voters' Lists Act.

In the matter of the Voters' List for the Municipality of _____ in the County of _____, for 19 _____.

Whereas it appears by the application of A. B., the Clerk of the Peace for the said County, (or, a person entitled to be entered on the said List), made to me, in pursuance of the said Act, that you have failed to perform certain duties required of you by the said Act, in this, that you have not made out the Alphabetical List of Voters for 19 _____, for the said Municipality, within thirty days after the final revision and correction of the Assessment Roll thereof (or, as the case may be, following the application); and whereas the said A. B. has applied to me to enforce the performance of the duties aforesaid;

You are hereby required to appear before me at _____, in _____, on the _____ day of _____ 19 _____, at the hour of _____, and produce before me the Assessment Roll for 19 _____, for the said Municipality, and any documents in your custody, power or control, relating to the Assessment Roll, or to the List aforesaid; and submit yourself for examination on oath.

Dated this _____ day of _____ 19 _____.

To C. D.,
Clerk of the Municipality of _____

Judge.

R.S.O. 1897, c. 7, Form 22.

FORM

FORM 20.

(Section 58.)

OATH OF ENUMERATOR PREPARING VOTERS' LISTS IN UNORGANIZED TERRITORY.

I, _____ of the _____ of _____, in the District of _____ and Province of _____, the enumerator whose duty it is under *The Ontario Voters' Lists Act* to prepare the Voters' Lists in and for the electoral district (or portion of the electoral district, *describing such portion*) of _____ in the Province of _____, do hereby solemnly swear that I will well and faithfully discharge the duties assigned to me by the said Act without favour or partiality; that I will place no name on the list of voters for the said electoral district (or portion of the said electoral district) or any of the polling districts thereof, and will omit no name from the same, unless I shall be satisfied that such name should by law be placed on or omitted from such list; and that I will in all respects, to the best of my ability, conform to the said Act and to the law. So help me God.

Sworn before me, at the _____ of _____ in the _____ of _____, and Province of _____ this _____ day of _____

A.D. 19 .

(District or County Judge, or Stipendiary Magistrate,
as the case may be.)

R.S.O. 1897, c. 7, Form 24.

FORM 21.

(Section 59.).

Take notice that _____ (*here insert the name of the Enumerator*) will be in attendance at _____ (*here insert the place*) from ten o'clock in the forenoon till four o'clock in the afternoon on the _____ days of _____ 19 _____, to enroll the names of all persons qualified to vote for members of the Legislative Assembly.

Appeals with respect to the omission of voters or the improper enrolment of any alleged voter or as to any error made by the Enumerator as to the place at which a voter may vote may be made to _____ (*here insert the name of the County or District Judge, as the case may be*).

(Signed)

Enumerator.

Dated at _____, this _____ day of _____ 19 .

R.S.O. 1897, c. 7, Form 23.

FORM 22a.

(Section 60.)

FORM OF AFFIDAVIT BY A PERSON CLAIMING TO BE PLACED ON THE VOTERS' LIST.

I, _____, make oath and say as follows:—

I am a British subject by birth (or naturalization) and I am not a citizen or a subject of any foreign country, and I have resided

in the Dominion of Canada for the nine months next preceding the day of , in the present year (*the day to be filled in here is the first day of June or the date fixed by proclamation for commencing to prepare the list for the Electoral District of*).

I was at the said date in good faith a resident of and domiciled in (*giving name of municipality or place for which the lists are to be prepared*) and I have resided therein continuously from the said date, and I now reside therein at (*here give the deponent's residence with as much particularity as is practicable*).

I am of the full age of 21 years and am not disqualified under *The Ontario Voters' Lists Act* or otherwise by law prohibited from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at in }
the county of this day } *Signature of Voter.*
of 190 . }

Signature of Justice of the Peace.

(*This oath may be taken before the Enumerator or before any Justice of the Peace, Commissioner for taking Affidavits or Notary Public*).

FORM 22b.

(Section 60.)

FORM OF AFFIDAVIT FOR SAME PURPOSES AS FORM 22a WHEN THE PERSON HAS BEEN TEMPORARILY ABSENT.

I, , make oath and say as follows:—

I am a British subject by birth (*or naturalization*), and I am not a citizen or subject of any foreign country, and I have resided in the Dominion of Canada for the nine months next preceding the day of , in the present year (*the date to be filled in here is the first day of June or the date fixed by proclamation for commencing the preparation of the lists for the Electoral District of*).

I was at the said date in good faith a resident of and domiciled in (*giving the name of the municipality or place for which the lists are to be prepared*) and have resided therein continuously (*here give deponent's residence with as much particularity as is practicable*), and I have not been absent from Ontario during the said nine months except occasionally or temporarily in the prosecution of my occupation as (*mentioning the occupation, namely, a lumberman, or a mariner, or a fisherman, or a member of a permanent militia corps enlisted for continuous service, or a student in attendance in an institution of learning in the Dominion of Canada, naming the Institution*).

I am of the full age of 21 years and am not disqualified under *The Ontario Election Act* or otherwise by law prohibited from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at in }
the county of this day } *Signature of Voter.*
 day of 190 . }

Signature of Justice of the Peace.

(*This oath may be taken before the Enumerator or any Justice of the Peace, Commissioner for taking Affidavits or Notary Public*).

FORM

FORM 23.

(Section 63.)

I, _____, make oath and say:—

1. That I have set down in the Voters' List for _____ (*describe the territory for which the deponent is Enumerator*) according to the best of my information and judgment the name of every person entitled to be entered thereon.

2. That I have not entered upon the said List the name of any person which I have any reason to believe ought not to be entered thereon.

3. That I have not intentionally omitted from the said List the name of any person which I had any reason to believe ought to be entered thereon.

4. That I have to the best of my knowledge and belief discharged the duties required of me by *The Ontario Voters' Lists Act*.

Sworn before me at _____ in the District of _____, this
day of _____ 190 _____.

County (or District) Judge.

FORM 24.

(Section 65.)

ONTARIO VOTERS' LISTS ACT.

Take notice that the undersigned will be in attendance at
(*here insert the place*) at _____ o'clock, on the
day of _____, to hear appeals with respect to the Voters'
Lists for the Electoral District of _____

(*District or County Judge, as the case may be*).

R.S.O. 1897, c. 7, Form 25.

CHAPTER 5.

An Act to amend and consolidate the Manhood
Suffrage Registration Act.*Assented to 20th April, 1907.*

| | |
|---|--|
| SHORT TITLE, s. 1. | PERSONS ENTITLED TO BE PRESENT, ss. 25, 26. |
| WHO MAY BE REGISTERED, ss. 2-3. | WHERE REGISTRAR OR CLERK FAILS TO ATTEND, s. 27. |
| HOW BOARDS OF REGISTRARS CON- STITUTED, ss. 4-7. | RIOTS AND EMERGENCIES PROVID- ED FOR, ss. 28, 29. |
| MUNICIPALITIES TO PROVIDE AC- COMMODATION, s. 8. | LISTS TO BE DELIVERED TO CLERK OF PEACE, s. 30. |
| DIVISION INTO REGISTRATION DIS- TRICTS, ss. 9-11. | REGISTRATION FOR BY-ELECTION, WHEN NECESSARY, ss. 31, 32. |
| PROCEEDINGS WHEN A GENERAL OR BY-ELECTION IS TO BE HELD, s. 12. | LIST TO BE CONCLUSIVE, s. 33. |
| APPOINTMENT OF REGISTRY CLERKS, s. 13. | COPIES TO BE FURNISHED, s. 34. |
| SITTINGS OF REGISTRARS, ss. 14-16 | BOOKS AND FORMS TO BE SUPPLI- ED BY CLERK OF CROWN IN CHANCERY, s. 35. |
| BOOKS TO BE PROVIDED BY CHAIR- MAN, s. 17. | TIMES LIMITED TO BE DIRECTORY, s. 36. |
| PROCEDURE FOR REGISTRATION, s. 18. | OFFENCES AND PENALTIES, ss. 37- 42. |
| PERSONS UNABLE TO ATTEND, s. 19. | COMPENSATION OF OFFICERS, s. 43. |
| APPEALS, ss. 20-22. | COPIES OF CERTAIN ACTS TO BE SUP- PLIED, s. 44. |
| REGISTRARS, TO BE CONSERVATORS OF PEACE, s. 23. | REPEALING CLAUSE, s. 45. |
| CONSTABLES TO ATTEND SITTINGS, s. 24. | |

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Short title and
Application
of Act.

1. This Act may be cited as "*The Manhood Suffrage Registration Act*" and shall apply to every city in Ontario and to every town being a county or district town having a population of nine thousand or over by the last Dominion census, and for the purposes of this Act every such town shall be deemed to be a city.

WHO MAY BE REGISTERED.

Persons
entitled to be
registered.

2.—(1) Every male person of the full age of 21 years, a
subject of His Majesty by birth or naturalization, and not

disqualif

disqualified under *The Ontario Election Act*, and not otherwise by law prohibited from voting, shall be entitled to be entered on the list of manhood suffrage voters for the polling subdivision in which he resides, Rev. Stat. c. 6.

Provided that such person has resided in Canada for the twelve months next preceding the day on which the first sittings of the Registrars of manhood suffrage voters for the preparation of the lists as is hereinafter directed is held;

Proviso.

And provided that such person was in good faith, on the last mentioned day, and for the three calendar months next preceding the same, a resident of and domiciled in the municipality on the list of which he is to be entered; and in the case of cities divided into two or more electoral districts, and in any city parts of which are situated in two or more electoral districts, was in good faith on the said day and for the next preceding thirty days a resident of and domiciled within the territory comprising the electoral district on the list of which he is to be entered;

And provided also that such person's name is not entered on Part I. of the revised list of voters for the electoral district to be used at the election about to be held. R.S.O. 1897, c. 8, s. 4 (1); 61 V. c. 4, s. 1; 63 V. c. 17, s. 2 (1).

(2) Members of a permanent militia corps enlisted for continuous service, and students in attendance at an institution of learning who are during such service or attendance residents of the city, who are not entitled to be, or could not have been, and are not at the time of their application for registration, registered or entered upon any other list of persons entitled to vote at elections for the Legislative Assembly, shall be entitled to be registered as manhood suffrage voters in the city, if otherwise qualified under subsection 1 to vote therein. Militiamen and students.

3. In case it is made to appear to the Registrar that any person whose name is on Part I. of the Voters' List has ceased to be entitled to vote under Part I., but is otherwise qualified, such person shall be entitled to be entered on the Manhood Suffrage List, and his name shall be erased from Part I. by the Clerk of the Peace upon the certificate of the Registrar. The oath to be taken by such person on application for registration under this section shall be according to Form 9. R.S.O. 1897, c. 8, s. 6. Transfer of voters from Part I. of voters' lists.

BOARD OF REGISTRARS.

4.—(1) A Board shall be constituted in every city for preparing lists of persons entitled to be registered as manhood suffrage voters, and shall be called "The Board of Manhood Suffrage Registrars," and every member thereof shall Board of registrars.

shall be deemed a Registrar within the meaning of this Act. R.S.O. 1897, c. 8, s. 7 (1).

(2) No person who as Registrar or registry clerk was engaged in the preparation of the Voters' Lists to be used at any election, shall be eligible as a candidate at such election. R.S.O. 1897, c. 8, s. 7 (2); 61 V. c. 4, s. 2 (2).

Constitution
of boards.

5.—(1) The Board shall consist of the officials herein-after mentioned, who may from time to time appoint so many other Registrars as shall be necessary to carry out the provisions of this Act. The appointments shall be evidenced by a writing (Form 1) under the hand of the Chairman.

Members of
board in
Toronto.

(2) In Toronto the members shall be eight in number, namely, the three Judges of the County Court of the County of York, the Master in Ordinary, the Master in Chambers, the Master of Titles, the Police Magistrate of Toronto, and the Inspector of Legal Offices.

Fort William.

(3) In Fort William the members shall be three in number, namely, the Police Magistrate of Fort William, the Clerk of the Municipality and the Clerk of the Division Court.

Port Arthur.

(4) In Port Arthur the members shall be three in number, namely, the Judge of the District Court of the District of Thunder Bay, the Police Magistrate of Port Arthur, and the Local Registrar of the High Court.

Members in
other cities.

(5) In every other city the members of the Board shall be the two Judges of the County Court of the County in which the city is situate, the Police Magistrate of the city, and the Local Master of the High Court. Where either of the Judges is Local Master, the Clerk of the County Court shall be the fourth member of the Board. Where there is but one County Court Judge the members shall be the Judge, the Police Magistrate for the city, the Local Master, and the Clerk of the County Court, and where the Judge is Local Master the Registrar of Deeds for the city shall be a member, or if there is no such Registrar, the Registrar of Deeds having his office in the city or the Registrar of Deeds for the registry division in which the city is situate shall be a member.

Filling vacan-
cies.

(6) If there is a vacancy in the Board, or if a member is absent from the Province, or is unable to act, the other members of the Board shall appoint a fit and proper person to fill the vacancy.

Clerk.

(7) The Board shall appoint a fit and proper person to be its clerk.

6. A Registrar, before acting, shall take and subscribe before a member of the Board, a commissioner for taking affidavits, or a Justice of the Peace, the oath (Form 2) in the schedule hereto. 61 V. c. 4, s. 3.

Oath of
registrar.

7. The Lieutenant-Governor in Council may, at any time before or after the issue of a proclamation dissolving the Legislative Assembly, appoint a member of the Board to be Chairman.

Appointment
of chairman.

8.—(1) The Municipal Corporation shall provide for the Registrars, and for the Board of Appeal, suitable and convenient places properly furnished, heated and lighted, for the holding of their sittings; and in case the same are not provided in due time the Board shall provide the necessary accommodation, the expense whereof shall not exceed \$15 for each place, unless the Board on account of exceptional circumstances is unable to obtain suitable accommodation for that amount. The expense incurred by the Board in providing such accommodation, and also for stationery and other requirements of the Board, shall be paid by the Treasurer of the Corporation upon the order of the Chairman of the Board.

Municipality
to provide
necessary
accommoda-
tion.

(2) The building in which the registration takes place shall not be a tavern or place of public entertainment, and there shall be free access for every person desiring to be registered.

Registration
not to take
place in
tavern.

(3) The places provided by the Municipal Corporation for holding the sittings shall be subject to the approval of the Board or of some member thereof authorized to approve of the same on behalf of the Board, and if not approved, the Board or such member may select satisfactory places, and the cost thereof shall be paid by the municipality. 61 V. c. 4, s. 5.

Approval of
place of
registration
by board.

REGISTRATION DISTRICTS.

9. Where a city is divided into two or more electoral districts two of the members of the Board shall be assigned by the Board to each of the electoral districts. R.S.O. 1897, c. 8, s. 14.

Two members
of Board to
act in each
district.

10. The Board shall divide each electoral district into registration districts for the purpose of registration, grouping together for that purpose as compactly as they find convenient the polling subdivisions of each district, and shall assign a Registrar to each registration district, and shall fix the time and place for holding the sittings of the Board of Appeal. R.S.O. 1897, c. 8, s. 15.

Sub-division
of districts.

Who to act at
place of
registration.

11. At each place of registration a member of the Board or an appointed Registrar designated by the Board, shall attend for the purpose of registering voters. R.S.O. 1897, c. 8, s. 18.

PROCEEDINGS FOR REGISTRATION.

When board
to be called
together.

12.—(1) Immediately after the issue of a proclamation dissolving the Legislative Assembly, or in the case of a by-election, immediately after the issue of the writ of election, the Clerk of the Crown in Chancery shall notify the Chairman of the dissolution or of the issue of the writ; and whenever a new registration is required the Chairman shall call the Board together on receiving such notice, and the Board shall forthwith take the necessary proceedings for registration.

(2) In the case of a by-election the notice to the Chairman shall state whether or not a new registration is required. R.S.O. 1897, c. 8, s. 20.

Registry
clerk.

13.—(1) Every Registrar shall appoint (Form 3) a clerk, hereinafter referred to as the "Registry Clerk," to assist him in preparing the lists of the persons entitled to vote in the subdivisions of the district for which such Registrar has been appointed.

Oath of Regis-
try Clerk.

(2) Every Registry Clerk shall, before acting, take and subscribe, before a Registrar, a commissioner for taking affidavits, or a Justice of the Peace the oath (Form 4) in the schedule hereto. R.S.O. 1897, c. 8, s. 21.

Sittings of Registrars.

Sittings of
registrars

14.—(1) Each Registrar shall hold four sittings for registration under this Act, the first of which shall be held on the seventh day after the date of the writ for holding the election (computing in such time any intervening Sunday). The same days shall be appointed for all the Registration Districts in an electoral district. R.S.O. 1897, c. 8, s. 22; 2 Edw. VII. c. 6, s. 1 (3);

Sittings of
registrars.

(2) In cities where the population is 20,000 or less according to the last census of Canada or the last assessor's enumeration it shall be sufficient if the Registrars shall hold their sittings on three separate days instead of four, one of the days being Saturday. 62 V. (2), c. 11, s. 24; 2 Edw. VII. c. 6, s. 3.

When to be
held.

15.—(1) The sittings shall be held on consecutive days, except Sunday, and shall continue from ten o'clock in the morning until nine o'clock in the evening, with intermissions from one o'clock to two o'clock and from six o'clock to half-past seven o'clock;

(2)

(2) If the holding of the sittings on consecutive days will not allow of a sitting being held on a Saturday, the last sittings shall be held on a Saturday, and the second and third sittings on such days as the Board appoints;

(3) The time from half-past seven o'clock until half-past eight o'clock on each of the four days shall, as far as possible, be set apart for the registration of workingmen. R.S.O. 1897, c. 8, s. 23.

Notice.

16. The Chairman of the Board shall give public notice of the times and places appointed for the registration sittings, and of the time and place for holding the meetings of the Board of Appeal, by posters headed in large letters, "Registration of Manhood Suffrage Voters." The posters shall give the outside limits of each group of polling subdivisions for which the respective registration sittings will be held, but need not give the limits of the subdivisions. At least five of such posters shall be put up in public and conspicuous places in each polling subdivision. R.S.O. 1897, c. 8, s. 25.

Notice of time and places of registration.

Books.

17.—(1) For the purpose of preparing the lists the Chairman shall cause each Registrar to be furnished with an alphabetical index book for each polling subdivision in his district, the pages of which shall be according to Form 5 in the schedule hereto. Upon the first page thereof the limits comprising the polling subdivision for which the book is intended and the number of such polling subdivision, in accordance with the revised lists of voters, shall be stated, and such limits and number shall also be distinctly shown on the outside of the front cover. R.S.O. 1897, c. 8, s. 26 (1).

Index book to be kept by each registrar.

(2) The Chairman shall cause each Registrar to be furnished with a book demy size containing such number of forms of the oaths (Forms 7, 8 and 9) in the schedule hereto as may appear necessary. 61 V. c. 4, s. 7.

Book of oaths.

(3) Paragraph A of the said Forms shall not be inserted in the oath administered unless an agent for a candidate or political organization present under section 25 desires it to be inserted, or the Registrar deems its insertion expedient.

Bribery clause not to be inserted in oath unless asked for.

(4) The Registrar shall sign above paragraph A where it is omitted in the oath as administered, and under paragraph A where it has been inserted as part of the oath administered. 2 Edw. VII. c. 6, s. 4 (2-3).

Marking clause where used or omitted.

Mode of Registration.

Mode of registering names.

18.—(1) The Registrar, or registry clerk under his direction, shall register in the several polling subdivision books, the names and residences, as stated in their oaths respectively, of all persons applying to be registered, who take either of the oaths hereinbefore mentioned, unless it clearly appears to the Registrar from the answers of an applicant to the questions put to him and from any evidence then produced that he is not entitled to be registered as a voter. Each person entitled to be registered shall be registered in the book for the polling subdivision in which he resides, and no other.

Particulars to be entered in list.

(2) The Registrar, or registry clerk under his direction, shall before administering the oath to any applicant for registration, fill up from the statements of the applicant the blanks for the name and other particulars required to be entered in the list of voters, and shall also fill up such other blanks as are necessary to be filled, in order to make the oath complete. He shall then administer the oath to the applicant and shall subscribe the same.

Oath may be administered to four persons at once.

(3) The Registrar, or registry clerk under his direction, may administer the oath to any number of persons not exceeding four at the same time, unless objection is taken by any agent present, in which case the applicants shall be sworn separately.

Arrangement of names.

(4) The names shall be classed alphabetically in accordance with the surnames of the applicants.

Refusal to take the oath or give information.

(5) If an applicant refuses to take the oath, or refuses, or is unable to give the information requisite to enable the Registrar to fill up the particulars in respect of the applicant and of his residence which by this section or by the notes at the foot of the form of oath are required to be inserted therein, the applicant shall not be registered either at that or any subsequent sittings. If such refusal or the discovery of the applicant's inability as aforesaid takes place after his name has been written in a form of oath, the Registrar or registry clerk under his direction shall write at the foot of form "Refused to swear," or "unable to give particulars," as the case may be.

List of applicants refusing.

(6) A list of all persons who refuse to take the oath, or refuse or are unable to give the information required as aforesaid, shall be kept by the Registrar and delivered to the Clerk of the Peace with the list of persons registered.

Comparison of entries in books.

(7) At the end of each day, or at intervals available during the day, the Registrar and registry clerk, in the presence

sence of those entitled to be present, shall compare the entries in the book of oaths with the entries in the polling subdivision books, in order to see that no name has by mistake been entered in the wrong polling subdivision book, and may correct any mistake then discovered therein, and in case, to correct such mistake, any name has to be transferred from one book to another the entry so transferred shall be distinctly struck out with pen and ink, but left legible; and a note shall be made immediately adjacent that the name was entered by mistake, and has been transferred to another subdivision book, and the numbers of such subdivisions shall be stated. The Registrar and registry clerk shall affix their initials to the note. R.S.O. 1897, c. 8, s. 27 (1-7).

(8) After the comparison is complete, and any necessary corrections made, there shall be written or stamped on the line immediately under the last name which has been entered under the letter A, the words, "End of first sittings," and this shall be repeated at each letter under which names have been entered. If there is an index letter under which no name has been entered during the sittings, the like words shall be written or stamped on the first line of the first page of every such letter. Similar entries, naming the proper sittings, shall be made at the close of each sittings, and the Registrar shall certify at the end of each book as required by section 30. R.S.O. 1897, c. 8, s. 27 (8); 2 Edw. VII. c. 6, s. 1 (4).

Note to be made of entries at each sitting

(9) No person except the Registrar or the registry clerk shall write upon or in any way meddle with the books, and the Registrar shall keep the same in his custody until he delivers them to the Clerk of the Peace.

Interference with books prohibited.

(10) At the close of each sittings the Registrar shall make and sign a memorandum immediately under the last oath administered stating that the preceding oaths signed by him were taken before him on that day, and giving the day of the month and year when the same were taken. R.S.O. 1897, c. 8, s. 27 (9-10).

Entry to be made by registrar of oaths taken.

19.—(1) Where a claim is made that a person who is otherwise entitled to be registered, hereinafter referred to as an "absentee" is unable to attend the sittings held for registration, or any of them,

Persons unable to attend sittings.

(a) by reason of sickness or other physical disability, or

On account of sickness.

(b) by reason of such person being temporarily absent from the city and from the county in which the city is situate in the necessary pursuit of his business or calling or in attendance as a student at an institution of learning in Canada; provided

Temporary absence.

vided such person, if not a lumberman, mariner, fisherman, commercial traveller, or in the service of a railway, or as such student has not been absent more than thirty days prior to the first day of the sittings held for registration, and provided that it is probable such person will not return during any of the days appointed for such sittings;

Proviso.
Registration
on filing
affidavit.

then in case application is made to the proper Registrar for the registration of the absentee the Registrar, if satisfied by evidence adduced as hereinafter provided that the absentee is entitled to be registered, shall register such absentee, provided the applicant delivers to the Registrar an affidavit made by the absentee hereinafter referred to as "The Affidavit of Qualification," stating such facts as he would have been required to depose to before being registered, had he applied in person, or in case the person applying makes and delivers to the Registrar an affidavit wherein the applicant deposes to such facts, and provided the applicant, in either case also delivers an affidavit, hereinafter referred to as "The second affidavit," wherein the applicant deposes to the facts other than those set out in the affidavit of qualification, which authorize the registration of the absentee without his personal appearance. The statements in the second affidavit shall be positive, or if on information and belief the source of the deponent's information shall be clearly stated, and the Registrar shall decide as to the sufficiency of the affidavit.

Further
evidence
required.

(2) The Registrar may require any applicant to give evidence before him on oath, and may also hear any other evidence on oath which may be adduced either for or against the application, and unless the Registrar is satisfied that the absentee is entitled to be registered he shall refuse registration.

Who may
apply for
absentee.

(3) Any resident of the municipality may apply for the registration of an absentee.

Authority of
applicant.

(4) The applicant's affidavit shall set forth the facts entitling him to apply for the registration of the absentee. The affidavit shall also state the Christian name and surname and the occupation of the applicant, and his place of residence, with the same particularity as is required in the oath of qualification.

Illiterate
applicant.

(5) Where the applicant appears to be illiterate, the Registrar before acting upon the affidavit shall be satisfied that the deponent understands the same and may in any case require the applicant to re-swear before him an affidavit purporting to be made by such applicant.

(6) Opposite the name of each person registered without his being personally present, the Registrar shall, in the polling subdivision book, write or cause to be written the word "Absentee."

Entry made
in book.

(7) In case an application made to register any person as an absentee is refused, no other application to register him as an absentee shall be entertained, unless the Registrar is satisfied that the refused application was made in order to deprive the absentee of his right to registration, or unless leave to renew the application was reserved.

Renewal of
application.

(8) An application to register an absentee shall not be received at any sittings after six o'clock in the afternoon.

Hours for
application.

(9) The Registrar shall keep a list of all refused applications to register absentees and shall deliver the same and the affidavits in connection therewith to the Clerk of the Peace when he delivers to him the list of persons registered.

List of refused
applications.

APPEALS.

20.—(1) There shall be a Board of Appeal which shall consist of the members of the Board of Manhood Suffrage Registrars unless the same is composed of more than three members, in which case the Board shall appoint two of its members to constitute, with the Chairman, the Board of Appeal.

Board of
Appeal.

(2) The Chairman of the Board of Manhood Suffrage Registrars shall be Chairman of the Board of Appeal.

Chairman.

(3) The Board may appoint the clerk of the Board of Manhood Suffrage Registrars or one of the registry clerks to be Clerk of the Board.

Clerk.

(4) If a Registrar refuses to register an applicant who has taken or is willing to take the oath, the applicant may, upon giving notice in writing within twenty-four hours thereafter to the Registrar of his intention so to do, appeal to the Board of Appeal, which shall have authority to hear and determine all cases so brought before it upon *viva voce* evidence to be taken upon oath, which may be administered by any member of the Board.

Notice of
appeal.

(5) The decision of the Board of Appeal shall be given at least three days before the day fixed for holding the poll and shall be final.

Decision of
Board.

(6) If the Board decides that an appellant is entitled to vote a certificate to that effect shall be given to him. The certificate shall state the polling subdivision in which the appellant is entitled to vote, and, upon production of the certificate, the appellant shall have the same right to vote as if his name had been entered on the voters' list.

Certificate
allowing
appeal.

Appeal from
decision of
registrar to
register any
name.

(7) An appeal shall also lie in like manner and on the like notice, and upon a further notice to the person registered, from the decision of a Registrar registering the name of any applicant. The decision shall be given within the time limited by subsection 5; and if the appeal is allowed, a certificate of the decision shall be given by the Chairman of the Board to the Returning Officer of the Electoral District and shall be by him delivered to the deputy-returning officer of the polling subdivision named in the certificate, and the deputy-returning officer shall not thereafter receive the vote of such person. R.S.O. 1897, c. 8, s. 28 (1-5).

Notice of
appeal.

(8) The notice to the person registered, provided for by the next preceding subsection, shall be served within twenty-four hours after the decision appealed from, and may be served personally or by leaving a copy at the place of residence of the person registered set out in his oath.

Securing
attendance of
witnesses.

21.—(1) Any person may obtain from any member of the Board of Appeal or from any member of the Board of Manhood Suffrage Registrars an order (Form 6) requiring the attendance before the Board of Appeal, at the time mentioned in the order, of a witness residing, or served with the order in any part of Ontario; and requiring the witness to bring with him and produce at the hearing of the appeal any papers or documents mentioned in the order, and every witness served with the order shall obey the same, provided his expenses, according to the scale allowed in Division Courts, are paid or tendered to him at the time of service. R.S.O. 1897, c. 8, s. 29 (1); 61 V. c. 4, s. 9.

Appellant and
respondent to
obey order
without pay-
ment.

(2) Any person appealing, or any person in respect of the registration or omission of whose name a notice of appeal is given, shall, if resident within the city, upon being served therein, obey the order without being tendered or paid his expenses.

Service of
order.

(3) The order shall be sufficiently served upon any such person—

- (a) if the order is served upon him personally; or
- (b) where he has a known residence or place of business within the city, if a copy of the order is left for him with some grown person at such residence or place of business; or
- (c) where he has no known residence or place of business within the city, if a copy of the order is mailed to him through the post office, prepaid, directed to him at the address contained in any affirmation or affidavit made by him under this Act.

(4) If a person, whose right to be a voter is the subject of enquiry, does not attend in obedience to the order, the Board, in the absence of satisfactory evidence as to the reason for his non-attendance, or as to his right to be a voter may on the ground of his non-attendance, strike his name off the list of voters, or refuse to enter his name thereon, or may impose on him a fine not exceeding \$20, or may do both.

Persons may be struck off for non-attendance, etc.

(5) The names of any number of witnesses may be inserted in one order. R.S.O. 1897, c. 8, s. 29 (2-4).

Subpoena may include several names.

22.—(1) The Board shall deliver to the Clerk of the Peace a list of the persons to whom the Board has given certificates under the provisions of subsection 6 of section 20, with their occupations and residences and the subdivisions in which they may vote, and the names shall be entered on a supplementary list with the words "on appeal" written thereafter.

List of Certificates for Clerk of Peace.

(2) The Clerk of the Peace shall forthwith furnish a copy of such list to the Returning Officer, who shall forthwith cause the proper deputy-returning officers to enter the names of the persons mentioned therein on the lists of their respective polling subdivisions, with the words "on appeal" written thereafter.

Copy for Returning Officer.

(3) The Board shall also deliver to the Clerk of the Peace a list of the persons whose names have been struck off the voters' list, with their occupations and residences, and the subdivisions for which they were respectively registered.

List of names struck off on appeal.

(4) The Clerk of the Peace shall forthwith furnish a copy of such list to the Returning Officer, who shall forthwith cause the proper deputy-returning officers to erase such names from the lists. The words "on appeal" shall be written after every such erasure. R.S.O. 1897, c. 8, s. 30 (2); 2 Edw. VII, c. 6, s. 1 (5).

Copy for Returning Officer.

(5) The lists shall be certified by the Chairman of the Board according to Forms 10 and 11 in the schedule hereto. 61 V. c. 4, s. 10.

Lists to be certified.

PRESERVATION OF THE PEACE.

23. Every Registrar shall, during the days on which the sittings are held, be a conservator of the peace and invested with the same powers with which Justices of the Peace are invested in Ontario, and may appoint as many special constables as he deems necessary for the purpose of carrying out the provisions of this Act, or for the removal from the place of registration, or for the arrest or detention of persons who are charged with personation, or who are or have been impeding or improperly interrupting

Preservation of the peace.

Special constables.

ing his proceedings, or creating a disturbance. The Registrar may verbally direct the forcible removal of any such person from the place of registration. The special constables shall have power to act without taking any oath and shall be paid by the city. Every registry clerk shall have the authority of a constable for the purposes aforesaid. R.S.O. 1897, c. 8, s. 31; 2 Edw. VII, c. 6, s. 1 (6).

Constables to attend.

24. The Chief of Police of the city shall cause a constable to be in attendance at each place of registration during the time the same is kept open and so long as the Registrar remains there. R.S.O. 1897, c. 8, s. 32.

WHO ENTITLED TO BE PRESENT AT SITTINGS.

Agents for candidates.

25.—(1) Any person whom the Board deems to be in good faith a candidate to represent the electoral district, may appoint in writing two electors as agents to represent him at any registration sittings. In the absence of any person authorized in writing to act as agent for an absent candidate, any elector in the interest of such candidate may declare himself to be and may act as agent of such candidate, without producing any special authority in writing for that purpose.

Agents of political organizations.

(2) Any political organization not represented by a candidate or his agents, may also appoint in writing, duly authenticated to the satisfaction of the Registrar, two electors as agents to represent such organization at any registration sittings. R.S.O. 1897, c. 8, s. 33.

Presence of electors at registration.

26. Subject to such directions as the Registrar may from time to time give to prevent the proceedings being delayed or interfered with, any elector shall be entitled to be present as a spectator at a registration sittings, provided that no more than twelve persons other than the officers, candidates and agents shall be entitled to be present at the same time, and no person shall ask any question of an applicant for registration unless such person is a candidate or the agent of a candidate, and no candidate or agent shall ask any such question except through the Registrar, or by his permission. The Registrar in giving directions shall allow a fair proportion of all political parties to remain in the place of registration. R.S.O. 1897, c. 8, s. 34.

EMERGENCIES PROVIDED FOR.

Refusal or neglect of registrar to act.

27.—(1) If a Registrar refuses, neglects, or becomes unable to perform the duties of his office, and if no other Registrar appears at the place of registration the registry clerk shall act as Registrar and perform all the duties and be subject to all the obligations of that office as if it he had been

been appointed Registrar and without taking a new oath for that purpose.

(2) Where a registry clerk acts as Registrar under this section he shall in writing appoint (Form 3) another person to act as registry clerk, and the person so appointed shall before acting take and subscribe before the person appointing him the oath (Form 4) in the schedule.

Appointment of registry clerk.

(3) Where a registry clerk refuses, neglects or becomes unable to perform his duties, the Registrar may in writing appoint another person to act as registry clerk; and the person so appointed shall before acting take and subscribe before the Registrar the oath (Form 4). R.S.O. 1897, c. 8, s. 35.

Registry clerk refusing or neglecting to act.

28. In case by reason of riot or emergency a Registration sittings is not commenced on the proper day, or at the proper hour, or is interrupted after being commenced and before the lawful closing thereof, the Registrar shall hold or resume the registration on the following day at the hour of nine o'clock in the forenoon, and continue the same from day to day, if necessary, until the place of registration has been opened without interruption and with free access to persons desiring to be registered, for forty-four hours in all, but the registration shall be completed at least three days before the polling day. R.S.O. 1897, c. 8, s. 36; 2 Edw. VII. c. 6, s. 1 (7).

Failure to commence at appointed time.— interruptions to sittings.

29. When for any reason it becomes impossible to use the place appointed for the registration of voters, another place shall be procured by the Registrar, and such notice of the change as is practicable shall be given. R.S.O. 1897, c. 8, s. 37.

When place appointed cannot be used

DELIVERY OF LISTS TO CLERK OF THE PEACE.

30.—(1) The day after the last of the sittings, the Registrar shall deliver to the Clerk of the Peace the books containing the lists, having first appended to each his certificate to the effect that the list is a true and correct list of all persons who appeared before him at the sittings for the registration of persons entitled to vote under this Act and took the oath necessary to entitle them to have their names placed thereon, and he shall in the certificate state the dates of the sittings. He shall at the same time deliver to the Clerk of the Peace the book containing the oaths of the persons registered.

Delivery of lists to clerk of the peace.

(2) The delivery of the lists to the Clerk of the Peace shall not be delayed by reason of appeals from the decision of any Registrar. R.S.O. 1897, c. 8, s. 38.

Appeals not to delay delivery of books.

(3) It shall be the duty of the Clerk of the Peace to see that the books are duly returned to him.

Duties of clerk of peace as to books.

(4)

Books to be retained until another registration.

(4) The Clerk of the Peace shall retain the books in his office until they are superseded by another registration, when they may be destroyed, unless the Attorney-General of Ontario or a Court shall direct their preservation for a further period. R.S.O. 1897, c. 8, s. 39.

BY-ELECTIONS.

Special elections more than one year after last registration.

31.—(1) In case of a by-election, the writ for which bears date more than one year subsequent to the polling day of a previous election for which registration sittings were held, the proceedings for registration hereinbefore directed in the case of a general election shall be taken unless the Clerk of the Crown in Chancery shall, on the issue of the writ, give notice in writing to the Chairman of the Board that a new registration is not required.

When new registration to be held.

(2) The Clerk of the Crown in Chancery shall give such notice in case the First Minister of the Executive Council of Ontario and the Leader of the Opposition in the Legislative Assembly certify to the Clerk in writing that in their opinion a new registration is unnecessary. R.S.O. 1897, c. 8, s. 40.

When special election held less than one year after registration.

32. In case of a by-election, the writ for which bears date not more than a year subsequent to the polling day of the next preceding election for which registration was made, no new registration shall be had unless the Clerk of the Crown in Chancery shall give notice in writing to the Chairman that a new registration is desired, which he shall do upon the written request of the First Minister of the Executive Council or of the Leader of the Opposition. R.S.O. 1897, c. 8, s. 41.

LIST TO BE CONCLUSIVE.

Voters' lists conclusive.

33. A list prepared under this Act shall be final and conclusive as to the manhood suffrage voters in the same manner and to the same extent as the Voters' List certified by a County Court Judge. R.S.O. 1897, c. 8, s. 42.

COPIES TO BE FURNISHED.

Clerk of the peace to furnish copies.

7 Edw. VII, c. 4.

34. The Clerk of the Peace shall furnish certified copies of the names and other particulars in any of the subdivision books, to any person who may require the same, upon payment of the like fees as are prescribed for similar services by section 28 of *The Ontario Voters' Lists Act*. R.S.O. 1897, c. 8, s. 43.

BOOKS AND FORMS.

35.—(1) The Clerk of the Crown in Chancery shall cause the books and forms mentioned in this section to be prepared and printed, and he may either distribute the same to the Clerk of the Peace for the use of the Registrars, or he may cause sample copies thereof to be prepared and delivered to the Clerk of the Peace.

Printing and distributing books among Registrars.

(2) When copies are delivered to him the Clerk of the Peace shall upon receipt thereof deliver to the Chairman of the Board a sufficient number of them for the use of the Registrars, and, when sample copies, he shall immediately obtain or cause to be printed a sufficient number of copies for the use of the Registrars, and shall deliver the same to the Chairman of the Board. 61 V. c. 4, s. 11.

Preparation of forms and books.

(3) The Clerk of the Peace shall provide such forms as are not furnished by the Clerk of the Crown in Chancery.

Clerk of the Peace to provide forms.

(4) The books and forms referred to in this section are the following:—

What books and forms to be furnished by Clerk of the Crown in Chancery.

Oaths of Registrars.

Appointment of Registrars by the Board.

Appointments and oaths of registry clerks.

Books containing forms of oaths to be taken by applicants for registration.

Alphabetical index books for the registration of voters.

Books for lists of persons refusing to take the oath or unable to give the particulars required. R.S.O. 1897, c. 8, s. 44 (1); 61 V. c. 4, s. 12.

(5) For his services under this section in respect of each election the Clerk of the Peace shall be paid by the city the sum of \$10 and his disbursements. R.S.O. 1897, c. 8, s. 44 (2).

Fees of clerk of the peace.

MISTAKE OR MISCARRIAGE.

36. The times limited by this Act shall be directory only, and any mistake or miscarriage in respect thereof shall not invalidate an election, unless the mistake or miscarriage is of such a nature that in the opinion of the Election Court it may have affected the result of the election, but this shall not prevent the election from being avoided where the mistake or miscarriage was brought about in whole or in part by the improper conduct of a candidate or his agent. R.S.O. 1897, c. 8, s. 45; 61 V. c. 4, s. 13.

Times mentioned in this Act directory.

OFFENCES AND PENALTIES.

37.—(1) The following persons shall be deemed guilty of an offence and shall be punishable accordingly:—

Corrupt practices.

(a)

Bribery.

(a) Every person who, before or during the registry sittings, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, or office, place or employment, for himself or any other person, for being or for agreeing, or for refraining or agreeing to refrain from being registered;

(b) Every person who, after any such sittings, directly or indirectly, by himself or by any other person on his behalf, receives any money, gift, loan or valuable consideration, or accepts any office, place or employment on account of his or any other person having registered or refrained from being registered, or having induced some other person to register or to refrain from being registered;

Treating

(c) Every person who, before or during the sittings, provides or furnishes drink or other entertainment at his own expense, or at the expense of any other person, to any meeting of persons assembled for promoting the registration of voters, or pays, or promises, or engages, to pay for such drink or other entertainment; except only that nothing herein contained shall extend to any drink or other entertainment furnished to any such meeting by or at the expense of any person at his usual place of residence when such residence is a private house, unless where the drink or other entertainment is given or supplied for the purpose of procuring or inducing any person to be, or to agree to be, or to refrain from being or to agree to refrain from being registered;

Providing refreshments.

(d) Every person who, before or during or after the sittings, by himself or by or with any person, or by any other ways or means on his behalf, gives, or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred, or gives any ticket or order, for any meat, drink, refreshment or provision to or for any person, in order to induce such person to be, or for being, or to refrain from being registered, or for the purpose of in any way influencing any other person to be, or to refrain from being registered;

Hiring teams, etc.

(e) Every person who hires or promises to pay or pays for a horse, team, carriage, cab, boat, vessel or vehicle, to convey a person intending to apply
or

or applying to be registered or registered to or near or from or on the way to or from the place of registration, or who, by himself or by any person on his behalf, pays the travelling or other expenses of a person in going to or returning from any such sittings:

- (f) Every person who provides or furnishes conveyance or transportation by railway, boat or vessel free of charge or at diminished rates to a person intending to apply or applying to be registered or registered to or near or from or on the way to or from the city or place of registration, and whether passes or tickets or the like are or are not supplied; Railway transportation.
- (g) Every person who applies to be registered in the name of another person, whether such name be that of a person living or dead, or of a fictitious person, or who, having been once registered, applies at any time after such registration and before the election to be again registered under this Act either in the same or in another electoral district, except as authorized by section 3 of this Act; Personation.
- (h) Every person who, directly or indirectly, aids or abets, counsels or procures the commission of the offence described in the preceding clause of this subsection; Aiding and abetting.
- (i) Every person who wilfully applies for registration or who registers at any such sittings knowing that he has not the right to be registered; Fraudulent registration.
- (j) Every person who, directly or indirectly, wilfully abets, induces or procures any person to apply for registration or to be registered at any such sittings, knowing that such person has not the right to be registered. Procuring fraudulent registration.

(2) An offence under clause *g* of subsection one shall constitute the offence of personation. Personation.

(3) Every person guilty of an offence against the provisions of this section shall incur a penalty of not less than \$20 and not more than \$100 for each offence, and shall also be disqualified from being entered or registered as a voter, under this or any other Act, and from having his name retained on any voters' list as a voter, or from voting at any election for three years thereafter. Penalty.

(4) A County Judge on the complaint of anyone, whether a voter or not, at any time after the conviction of such person, may in a summary manner, and on proof of the conviction, strike the name of such person from any voters' list Striking off names on conviction.

list upon which his name is entered for any polling sub-division within the jurisdiction of such Judge. The Clerk of the Peace, or other officer having the custody of the voters' list, shall attend the Judge when required so to do for the purpose of having the name of such person struck off as aforesaid. 61 V. c. 4, s. 14.

Tampering
with books,
lists, etc.

38.—(1) Any person who wilfully or maliciously destroys, injures or obliterates or wilfully and maliciously causes to be destroyed, injured or obliterated a book, list, certificate, oath, affidavit or other document made, prepared or drawn out according to or for the purpose of meeting the requirements of this Act, or any of them, shall incur a penalty of \$2,000 and shall be imprisoned for a period not exceeding twelve months, with or without hard labour.

Penalty.

Aiding and
abetting.

(2) Any person who aids, abets, counsels or procures the commission of any violation of this Act, as in this section mentioned, shall incur a penalty of \$2,000 and shall be imprisoned for a period not exceeding twelve months, with or without hard labour. R.S.O. 1897, c. 8, s. 47.

Penalty for
refusing to act
as registrar or
registry clerk.

39. Any person appointed a Registrar or registry clerk who refuses to accept office or who, after accepting the same, refuses or neglects to take and subscribe the prescribed oath or to perform the duties of the office, for his neglect or refusal, if appointed a Registrar, shall incur a penalty of \$100, and if a registry clerk, a penalty of \$50. R.S.O. 1897, c. 8, s. 48.

Penalty for
misconduct.

40. Every Registrar or registry clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of this Act, not being an offence under section 38, shall forfeit to His Majesty the sum of \$200, and to any person aggrieved by such misfeasance, act or omission, a like sum of \$200. R.S.O. 1897, c. 8, s. 49.

Penalty for
falsely signing
affidavits or
declarations.

41. A commissioner for taking affidavits, a notary public or a justice of the peace, who falsely signs an affidavit to be used under this Act, certifying or stating that such affidavit was sworn before him, or who signs it prior to the same being signed by the person purporting to swear the same or otherwise than in the presence of the deponent, shall forfeit his office, and shall also incur a penalty of not less than \$50 and not more than \$200, and be liable to imprisonment for any period not exceeding three months with or without hard labour. R.S.O. 1897, c. 8, s. 50.

Recovery of
penalties.

42.—(1) Any penalty, where imprisonment may not be imposed, mentioned in the next preceding four sections, may

may be recovered with costs by any person suing for the same in any court of competent jurisdiction.

(2) Actions for penalties incurred under this Act shall be tried by a Judge without a jury. Actions to be tried without a jury.

COMPENSATION OF OFFICERS.

43. For their services under this Act the officers employed shall be entitled to be paid as follows: A Registrar for each sittings, and each member of the Board of Appeal for each day on which a sittings is held, \$10; a registry clerk \$5 for each day; such sums shall be paid by the Treasurer of the city upon the presentation of a certificate of the Registrar approved by the Chairman of the Board. The Chairman shall be paid a further sum of \$10 for his services hereunder, such sum to be paid by the Province. R.S.O. 1897, c. 8, s. 51; 61 V. c. 4, s. 15; 2 Edw. VII. c. 6, s. 1 (8). Fees of officers,

COPIES OF ACTS TO BE SENT TO RETURNING OFFICER.

44. Where an election is to be held, there shall be sent to the returning officer with the writ of election such a number of copies of this Act and of *The Act to secure the Prompt Punishment of Persons guilty of Personation at Elections for the Legislative Assembly*, and of any amendments which may be made to the said Acts, with full indexes thereto, as will be sufficient to supply the returning officer and every Registrar and registry clerk with one copy at least, and there shall be sent at the same time to the said returning officer such additional number of the last mentioned Act, and any amendments thereto, as will be sufficient to supply each deputy returning officer with at least one copy thereof. R.S.O. 1897, c. 8, s. 52. Copies of Acts to be transmitted with writ. Rev. Stat. c. 10.

45. *The Manhood Suffrage Registration Act* and the several amendments thereto are repealed: Rev. Stat. c. 8, repealed.

Provided always that in the case of a municipality to which the repealed Acts apply and to which this Act does not apply, if an election is to be held at any time before the first day of January next, the provisions of the repealed Act shall continue to apply to such municipality for the purposes of such election. Proviso.

SCHEDULE OF FORMS.

FORM 1.

(Section 5.)

APPOINTMENT OF REGISTRAR.

To K. L. *(Insert his residence and legal addition).*

Know you that under the provisions of *The Manhood Suffrage Registration Act*, you have been appointed a Registrar by the Board of Manhood Suffrage Registrars for the City of

Given under my hand at the City of this day of
19 .

A. B.,

Chairman.

R.S.O. 1897, c. 8, Form 1.

FORM 2.

(Section 6.)

OATH OF REGISTRAR

I, the undersigned, Registrar of Manhood Suffrage Voters for part of the Electoral District of the City of , solemnly swear *(or if the Registrar is one of the persons permitted by law to affirm solemnly affirm)* that I will act faithfully in my said capacity of Registrar without partiality, fear, favour or affection. So help me God.

Sworn, etc.

K. L.,

Registrar.

R.S.O. 1897, c. 8, Form 2.

FORM 3.

(Sections 13, 27.)

APPOINTMENT OF REGISTRY CLERK.

To M. N. *(Insert his residence and legal addition.)*

Know you that in my capacity of Registrar of Manhood Suffrage Voters for the group of polling subdivisions composed of polling subdivisions Nos. 1, 2, 3, 4 and 5 of the Electoral District of the City of I do hereby appoint you to be Registry Clerk for the said polling subdivisions.

Given under my hand at the City of this day of
19 .

K. L.,

Registrar.

R.S.O. 1897, c. 8, Form 3.

FORM

FORM 4.

(Referred to in Sections 13, 27.)

OATH OF REGISTRY CLERK.

I, the undersigned, appointed Registry Clerk of Manhood Suffrage Voters for part of the Electoral District of the *City* of solemnly swear *(or if the Clerk is one of the persons permitted by law to affirm solemnly affirm)* that I will act faithfully in my capacity of Registry Clerk; and also in that of Registrar of Manhood Suffrage Voters if required to act as such according to law, without partiality, fear, favour or affection. So help me God.

Sworn, etc.

M. N.,

Registry Clerk.

R.S.O. 1897, c. 8, Form 4.

FORM 5.

(Section 17.)

FORM OF INDEX BOOK FOR VOTERS' LIST.

(First page.)

ELECTORAL DISTRICT OF THE CITY OF

Manhood Suffrage Voters' List for Elections to Legislative Assembly.

POLLING SUBDIVISION No. —.

Comprising (Giving the limits.)

| NAME. | NUMBER OF HOUSE. | STREET OR OTHER DESCRIPTION. | OCCUPATION. |
|-------|---------------------|---------------------------------|-------------|
| | | | |

*(Form for second and subsequent pages.)**Continuation of POLLING SUBDIVISION No. —.*

| NAME. | NUMBER OF HOUSE. | STREET OR OTHER DESCRIPTION. | OCCUPATION. |
|-------|---------------------|---------------------------------|-------------|
| | | | |

R.S.O. 1897, c. 8, Form 5.

FORM

FORM 6.

(Section 21.)

ORDER FOR THE ATTENDANCE OF WITNESSES BEFORE THE BOARD OF
APPEAL.

To (a)

Greeting:

You (b) are hereby required to attend before the Board of Appeal for the Registration of Manhood Suffrage Voters at in the of on (c) the day of 19, at the hour of of the clock in the noon to testify to all matters and things which you know in the matter of the appeal of (d) of No. , on street in this (e) (f) against the decision of the Registrar of the Registration District, No. , respecting the application of (g) of No. on street in the (e) (f) to be registered as a Manhood Suffrage Voter, which appeal is to be then tried, and so from day to day until the appeal is disposed of, and (*if the witness is required to produce documents*) that you bring with you and produce at the said time and place (*set out the documents to be produced*).

Dated at this day of 19 .

NOTES.—(a) Insert here the name of the witness, or names of the witnesses.

(b) If more than one witness, add "and each of you."

(c) Insert here the day of the week.

(d) Insert here the name of the appellant.

(e) Insert here "city" or "town" as the case may be.

(f) State here the occupation of the party or parties.

(g) Insert here the name of the person whose application for registration was allowed or rejected by the Registrar, and which is the subject of the appeal.

61 V. c. 4, s. 18.

FORM 7.

(Section 17.)

FORM OF OATH TO BE TAKEN BY A MANHOOD SUFFRAGE VOTER APPLY-
ING FOR REGISTRATION IN THE POLLING SUBDIVISION IN WHICH
HE RESIDES.

1. You swear (a) that your name is (b) and that you are by occupation a (c)
2. That you are not a citizen or a subject of any foreign country.
3. That you are a British subject, and are of the full age of 21 years.
4. That you have resided within Canada for the twelve months next preceding the (d) day of 19 (e)
5. That you are now, and were on the said day, and for three months next preceding the same, a resident of, and had your home in, this municipality.
6. That you now reside at (f)

7. That you are not as you believe entered on the revised list of voters for this municipality to be used at this election, as entitled to vote at both municipal elections and elections to the Legislative Assembly, nor have you been entered, or registered, on any list of persons entitled to vote at this election under which entry or registration you can vote in any other municipality in the Province at this election, and you are as you believe entitled to vote thereat. So help you God. (g)

.....
Registrar.

Where a candidate or an agent for a candidate or political organization present under Section 25 desires this clause to be added or the Registrar deems such addition expedient, add:—

A. That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to promise to vote, or to apply for registration as a voter, or for loss of time, travelling expenses, hire of team, or any other service connected therewith. So help you God. (g)

.....
Registrar.

And in the cases of the Cities of Toronto and Hamilton, and of any other municipality which may hereafter be divided into two or more Electoral Districts, and in any municipality the several parts of which are situated in two or more Electoral Districts, add the following clause:—

8. That you are now, and were on the said day and for the thirty days next preceding the same a resident of and had your home within the territory comprising this electoral district.

Notes.—(a) If the applicant is a person who may by law affirm, then for "swear" substitute "solemnly affirm."

(b) Insert here the full name of the applicant.

(c) Insert here the occupation of the applicant, or if the applicant has no occupation, state the fact.

(d) Insert here the date of the FIRST sittings held for the registration of voters

(e) In case the applicant has been temporarily absent for any of the purposes allowed by law, insert the words following, "except occasionally or temporarily, in the prosecution of your occupation of (mentioning, as the case may be, as a lumberman or a mariner or a fisherman or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.)"

(f) Insert here the street and number of the house where the applicant resides if it has a street number, and if it has not then insert a brief description that will define its locality.

(g) Where paragraph 4 is omitted the Registrar will sign above this paragraph; where it is inserted he will sign below it.

2 Edw. VII. c. 6, s. 4 (1); 6 Edw. VII. c. 6, s. 1.

FORM 8.

(Section 2, ss. 2, and s. 17.)

OATH IN CASE OF STUDENT OR MEMBER OF PERMANENT MILITIA CORPS.

1. You swear (a) that your name is (b), and that you are by occupation (c).

2.

2. That you are a British subject and not a citizen or a subject of any foreign country.

3. That you are of the full age of 21 years.

4. That you are a student in attendance at the _____ (or a member of a permanent militia corps enlisted for continuous service at _____) and as such a resident of the municipality of _____

5. That you have resided in Canada for the twelve months next preceding the (d) _____ day of _____ 19 _____

6. That you now reside at (e). _____

7. That you are now and were on the last mentioned day and for the thirty days preceding the same as such student (or member of a permanent militia corps) a resident of this electoral district.

8. That you are not registered upon and could not have been and were not entitled to be registered or entered on any other list of persons entitled to vote at elections for the Legislative Assembly.

9. That you are as you believe entitled to vote at this election.

Where a candidate or an agent for a candidate or political organization present under Section 25 desires this clause to be added or the Registrar deems such addition expedient, add:—

A. That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to promise to vote, or to apply for registration as a voter, or for loss of time, travelling expenses, hire of team, or any other service connected therewith. So help you God.

.....
Registrar.

And in the cases of the Cities of Toronto and Hamilton, and of any other municipality which may hereafter be divided into two or more Electoral Districts, and in any municipality the several parts of which are situated in two or more Electoral Districts, add the following clause:—

10. That you are now, and were on the said day and for the thirty days next preceding the same a resident of and had your home within the territory comprising this electoral district.

NOTES—(a) If applicant may by law affirm for "swear" substitute "solemnly affirm."

(b) Insert full name of applicant.

(c) Insert occupation of applicant.

(d) Insert date of FIRST sittings for registration.

(e) Insert street and house number of applicant's residence or other description of same that will define its locality.

FORM 9.

(Sections 3 and 17.)

FORM OF OATH TO BE TAKEN BY A MANHOOD SUFFRAGE VOTER ON APPLYING FOR REGISTRATION UNDER SECTION 3.

1. You swear (a) that your name is (b) _____ and that you are by occupation a (c) _____

2. That you are a British subject and not a citizen or a subject of any foreign country and are of the full age of 21 years.

3. That you have resided within Canada for the twelve months next preceding the (d) _____ day of _____ 19 _____ (e)

4. That you are now, and were on the said day, and for the three months next preceding the same, a resident of, and had your home in this municipality.

5. That you now reside at (f) _____

6. That your name is entered on the revised voters' list for the municipality to be used at this election, as entitled to vote at both municipal elections and elections to the Legislative Assembly, but that you are not now entitled to vote at this election in respect of that qualification.

7. That save as aforesaid you have not been entered or registered on any list of persons or voters entitled to vote at this election under which entry or registration you can vote in any other municipality in Ontario at this election and you are as you believe entitled to vote thereat. So help you God. (g).

.....
Registrar.

When an agent for a candidate or political organization present, under Section 25, desires this clause to be added, or the Registrar deems such addition expedient, add:—

A. That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to promise to vote or to apply for registration as a voter, or for loss of time, travelling expenses, hire of team or any other service connected therewith. So help you God. (g)

.....
Registrar.

And in the cases of the cities of Toronto and Hamilton and of any other municipality which may hereafter be divided into two or more electoral districts and in any municipality the several parts of which are situated in two or more electoral districts, add the following clause:—

8. That you are now and were on the said day and for the thirty days next preceding the same a resident of and had your home within the territory comprising this electoral district.

NOTES.—(a) If the applicant is a person who may by law affirm then for "swear" substitute "solemnly affirm."

(b) Insert here the full name of the applicant.

(c) Insert here the occupation of the applicant, or if the applicant has no occupation, state the fact.

(d) Insert here the date of the FIRST sittings held for the registration of voters.

(e) In case the applicant has been temporarily absent for any of the purposes allowed by law insert the words following, "except occasionally or temporarily, in the prosecution of your occupation of (mentioning, as the case may be, as a lumberman or a mariner or a fisherman or as a member of a permanent militia corps enlisted for continuous service or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.)"

(f) Insert here the street and number of the house where the applicant resides, if it has a street number and if it has not then insert instead a brief description that will define its locality.

(g) Where paragraph A is omitted the Registrar will sign above this paragraph; where it is inserted he will sign below it.

2 Edw. VII. c. 6, s. 4 (1); 6 Edw. VII. c. 6, s. 1.

FORM 10.

(Section 22.)

The Board of Appeal for the Registration of Manhood Suffrage Voters for the _____ of _____ have on appeal given certificates to the following persons, upon which such persons are entitled to vote at this election in the following polling subdivisions of the said (municipality or electoral district, as the case may be)

POLLING

POLLING SUBDIVISION No. .

| NAME. | NUMBER OF HOUSE, LOT OR BLOCK. | STREET OR OTHER DESCRIPTION. | OCCUPATION. |
|-------|--------------------------------------|---------------------------------|-------------|
| | | | |

POLLING SUBDIVISION No. .

| NAME. | NUMBER OF HOUSE, LOT OR BLOCK. | STREET OR OTHER DESCRIPTION. | OCCUPATION. |
|-------|--------------------------------------|---------------------------------|-------------|
| | | | |

.....
Chairman.

61 V. c. 4, s. 10.

FORM 11.

(Section 22.)

The Board of Appeal for the Registration of Manhood Suffrage Voters for the of have on appeal, struck off the names of the following persons from the list of Manhood Suffrage Voters in the following polling subdivisions in the said (municipality or electoral district, as the case may be.)

POLLING

POLLING SUBDIVISION No. .

| NAME. | NUMBER OF HOUSE, LOT OR BLOCK. | STREET OR OTHER DESCRIPTION. | OCCUPATION. |
|-------|--------------------------------------|---------------------------------|-------------|
| | | | |

POLLING SUBDIVISION No. .

| NAME. | NUMBER OF HOUSE, LOT OR BLOCK. | STREET OR OTHER DESCRIPTION. | OCCUPATION. |
|-------|--------------------------------------|---------------------------------|-------------|
| | | | |

.....
Chairman.

61 V. c. 4, s. 10.

FORM 12.

(Section 20.)

NOTICE OF APPEAL AGAINST THE DECISION OF A REGISTRAR.

To the Registrar of Registration District No. .

Take notice that I hereby appeal to the Board of Appeal for the Registration of Manhood Suffrage Voters against the (a) by the Registrar of the above Registration District of the application of (b) of No. on street in this (c) to be registered as a Manhood Suffrage Voter.

6S.

Dated

FORM 14.

(Section 19.)

FORM OF SECOND AFFIDAVIT TO BE FILED ON APPLICATION FOR
REGISTRATION OF ABSENTEE VOTER.

I, _____, of the City of _____,
in the County of _____, make oath:—

1. That I am (or _____ is), the person applying
to be registered as a Manhod Suffrage Voter in the Electoral Dis-
trict of _____, in the City of _____

2. I am (or the said _____ is) unable to attend the
sittings or any of them held for registration of Manhood Suffrage
Voters for the said Electoral District for the election of a member
to the Legislative Assembly to be held on the _____ day of
190____, for the following reasons (*here set out
the reasons fully such as sickness, physical disability or temporary
absence from the county in which the City is situate in the neces-
sary pursuit of business, etc., as in clauses "a" and "b" section
19.*)

3. The facts above set forth are true according to my information
and belief, and such information and belief is founded upon the
following facts (*a*) (*here set out concisely the facts from which deponent
derives his information.*)

Sworn before me this _____
day of _____
in the County of _____
190____.

A Commissioner.

(a) NOTE.—If this affidavit is made by the absentee in person the last paragraph may
be omitted.

CHAPTER 6.

An Act to amend The Ontario Election Act.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Clergymen and school teachers, removal not to disqualify.

1. Where the name of a clergyman or of a High or Public or Separate School teacher is entered on the voters' list of an electoral district, he shall be entitled to vote at elections for the Legislative Assembly for such district, although he does not at the time of the election reside therein, if he has not ceased to reside in the electoral district for more than three months next preceding the election, is not entitled to vote in any other electoral district, and is otherwise qualified and still a resident of Ontario.

Oaths to be varied to meet case of clergyman or school teacher after removal from electoral district.

2. In the case of voters to whom the next preceding section applies, the forms of oath numbered 16, 17, and 18 in the schedule to *The Ontario Election Act* shall be varied as follows:—

Form 16, by striking out all the words after the word "entered" in the third line of paragraph 4;

Form 17, by striking out all the words after the word "district" in the second line of paragraph 4;

Form 18, by striking out all the words after the word "district" in the second line of paragraph 4;

and by substituting for the words so struck out the following:—

4a. That you are a clergyman (*or a High or Public or Separate School teacher, as the case may be*);

4b. That you are still a resident of Ontario;

4c. That you have resided in this electoral district continuously from the said date until within three months next preceding this election;

4d. That you are not entitled to vote in any other electoral district.

3. A person who has obtained a certificate under the provisions of subsection 6 of section 20 of *The Manhood Suffrage Registration Act* shall be entitled to vote upon production to the proper Deputy Returning Officer of the certificate, and upon taking, if required so to do, the oath (Form 17) in the schedule to *The Ontario Election Act*. Voting on certificate under 7 Edw. VII, c. 5, s. 20, subs. 6.

4. Form 17 in the said schedule is also amended by adding after the words "in the list of voters" in the second line of paragraph 1, the following: "(or in the case of a person voting upon a certificate given by the Board of Appeal under *The Manhood Suffrage Registration Act*, in the certificate produced by and now shown to you)."

Rev. Stat. c. 9, sched. form 17, amended.

5. An absentee within the meaning of section 19 of *The Manhood Suffrage Registration Act* shall before being entitled to receive a ballot paper be required to take the oath according to Form 17.

Absentees who have been registered to be sworn.

6. Note 3 to Form 18 in the said schedule is amended by inserting after the word "fisherman" the words "a member of a permanent militia corps enlisted for continuous service."

Rev. Stat. c. 9, sched. form 18 amended.

7. Subsection 1 of section 11 of *The Ontario Election Act* is amended by inserting in the fourth line thereof after the word "fisherman" the words "or as a member of a permanent militia corps enlisted for continuous service."

Rev. Stat. c. 9, s. 11, subs. 1 amended. Absence on military service not to disqualify.

8. Sections 8 and 9 of *The Ontario Election Act* are amended by striking out the words "within the Province" in the eighth lines of the said sections, and substituting therefor the words "within the Dominion of Canada."

Rev. Stat. c. 9, s. 8 and 9, amended.

9. Section 10 of *The Ontario Election Act* is amended by striking out the words "in this Province" in the ninth line of the said section, and substituting therefor the words "in the Dominion of Canada."

Rev. Stat. c. 9, s. 10, amended.

10. Form 16, 17 and 18 in Schedule "A" to *The Ontario Election Act*, are amended by striking out the words "within this Province" wherever they occur in the said forms, and substituting therefor the words "within the Dominion of Canada."

Rev. Stat. c. 9, forms 16, 17, 18 in Sched. A, amended.

CHAPTER 7.

An Act respecting the Salaries of Members of
the Executive Council.*Assented to 20th April, 1907.*

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Short title.

1. This Act may be cited as *The Salaries Act*.

Salaries of
Ministers.

2.—(1) The annual salaries of the following Ministers,
members of the Executive Council of Ontario, shall be as
follows, that is to say:—

| | |
|---|---------|
| The Attorney-General | \$6,000 |
| The Secretary and Registrar of the Province ... | \$6,000 |
| The Treasurer of the Province | \$6,000 |
| The Minister of Lands, Forests and Mines | \$6,000 |
| The Minister of Agriculture | \$6,000 |
| The Minister of Public Works..... | \$6,000 |
| The Minister of Education | \$6,000 |
| The President of the Executive Council | \$6,000 |

(2) The Member of the Executive Council holding the
recognized position of First Minister shall receive in addition
\$3,000 per annum.

(3) The said salaries shall be chargeable upon and payable
yearly and *pro rata* for any period less than a year out
of any unappropriated moneys forming part of the Consolidated
Revenue Fund of Ontario.

CHAPTER 8.

An Act to amend The Act respecting the Consolidated Revenue Fund and the Revenue derived from Legal Proceedings.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Act respecting the Consolidated Revenue Fund and the Revenue derived from Legal Proceedings* is amended by adding thereto the following section :— Rev. Stat., c. 21, amended.

8. If any sum of the public money, is by an Act appropriated for any purpose, or directed to be paid by the Lieutenant-Governor, and no other provision is made respecting it, such sum shall be payable under warrant of the Lieutenant-Governor directed to the Treasurer of the Province, out of the Consolidated Revenue Fund; and all persons entrusted with the expenditure of any such sum, or any part thereof, shall account for the same in such manner and form, with such vouchers, at such periods and to such officer, as the Lieutenant-Governor may direct. Paying over and accounting for public moneys.

CHAPTER 9.

An Act to Supplement the Revenues of the Crown.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short Title.

1. This Act may be cited as "*The Supplementary Revenue Act, 1907.*"

INTERPRETATION.

Interpretation.

2. Where the words following occur in this Act and in any schedule thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"Mine."

"Mine" shall mean any opening in or working of the ground from or by which metalliferous ore or other solid mineral substance is taken, and shall include the mining claim, mining location or other the whole parcel of land or mineral in which any such workings are being or have been carried on, but the term "mineral substance" or "mineral workings" shall not include limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes, or non-auriferous sand or gravel;

"Mine Assessor."

"Mine Assessor" shall mean and include any officer of such designation appointed under the authority of this Act, and any other officer or person appointed or directed by the Minister of Lands, Forests and Mines to perform any duty or exercise any power or authority by this Act specified or provided to be performed or exercised by a Mine Assessor;

"Minister"

"Minister" shall mean the Minister of Lands, Forests and Mines;

"Output."

"Output" when used in reference to a mine shall mean all ores or other solid mineral or mineral-bearing substances raised, taken or gained from any mine or land in the Province.

Province and which have been sold, or have been removed from the mining premises where produced, or have been treated or partially treated at any smelter, mill, or refinery on the mining premises from which they were taken;

"Person" shall include corporation, company, syndicate, trust, firm, partnership, co-owners or party, and the heirs, executors, administrators or other legal representatives of such person if the context can apply thereto;

"Preceding Year" shall mean the year ending on the 31st day of December next before the time when the taxes hereby imposed are payable. ^{"Preceding year."}

IMPOSITION, ACCRUAL AND PAYMENT OF TAXES.

3. Notwithstanding anything in any other Act, or in any regulation or law contained, there shall be paid to the Crown in this Province in and for each and every year, at the times and in the manner hereinafter provided, the several taxes in this Act specified. ^{Tax to be paid to Crown.}

4. The taxes by this Act imposed shall be payable to the Minister of Lands, Forests and Mines, and taxes under this Act shall become payable for the year 1907 on the first day of December, 1907, and for subsequent years on the first day of October in each year thereafter. ^{Tax when payable.}

5. The taxes imposed by this Act shall be deemed to accrue, as to the taxes payable in the year 1907, from and after the passing of this Act, and as to the taxes in each year thereafter on the first day of January of the year in which the same are payable. ^{Accrual of tax.}

PART I.

6.—(1) Every mine in the Province, the annual profits of which exceed \$10,000 shall be liable for and the owner manager, holder, tenant, lessee, occupier and operator of the same shall pay an annual tax of three per cent. on the excess of annual profits of such mine above the said sum of \$10,000. ^{Tax on profits.}

(2) For the purpose of this section all mines and mineral workings within the Province occupied, worked or operated by the same person, or under the same general management or control, or the profits of which accrue to the same person, shall, for the purpose of determining whether there is liability to taxation hereunder, be deemed to be and be dealt with as one and the same mine, and not as separate mines. ^{Mines worked together.}

Ascertainment
of profits.

(3) The annual profits shall be ascertained and fixed in the following manner, that is to say:—The gross receipts from the year's output of the mine, or in case the ore, mineral or mineral-bearing substance or any part thereof is not sold, but is treated by or for the owner, tenant, holder, lessee, occupier, or operator of the mine upon the premises or elsewhere, then the actual market value of the output, at the pit's mouth, or if there is no means of ascertaining the market value, or if there is no established market price or value, the value of the same as appraised by the Mine Assessor, shall be ascertained, and from the amount so ascertained the following, and no other, expenses, payments, allowances or deductions, shall be deducted and made, that is to say:—

Deductions.

- (a) The actual cost of transportation of any output sold if paid or borne by the owner, tenant, holder, lessee, occupier or operator;
- (b) The actual and proper working expenses of the mine, both underground and above ground, including salaries and wages of necessary superintendents, captains, foremen, workmen, firemen, engine-men, labourers, and employees of all sorts employed at or about the mine, together with the actual and proper salaries and office expenses for necessary office work done at the mine, and in immediate connection with the operation thereof;
- (c) The cost of supplying power and light, and of hire of horses used in the mining operation or in handling the ore or mineral;
- (d) The actual cost price of food and provisions for all employees aforesaid, whose salaries or wages are made less by reason of being furnished therewith, and of fodder for horses used as above mentioned;
- (e) The actual cost price of explosives, fuel, and any other supplies necessarily consumed in the mining operations;
- (f) Any actual and proper outlay incurred in safe-guarding or protecting the mine or mineral product;
- (g) The cost of proper insurance upon the output if paid or borne by the owner, tenant, holder, lessee, occupier or occupant and upon the mining plant, machinery, equipment and buildings used for or in connection with the actual mining operations or for storing the ore or mineral;

(h)

(h) An allowance of a sum for annual depreciation, by ordinary wear and tear, of the said plant, machinery, equipment, and buildings, such sum to be based upon the probable annual average cost of repairs and renewals necessary to maintain the same in a condition of efficiency and in no case to exceed for any year, ten per cent. of the value at the commencement of such year, such value to be appraised by the Mine Assessor;

(i) The cost of actual work done in sinking new shafts, making new openings, workings or excavations of any kind, or of stripping or trenching, in or upon the lands upon which the mine is situated, or upon any other lands belonging to the same owner, lessee, holder, tenant, occupier or operator, within the Province, such work having for its object, the opening up or testing for ore or mineral. Provided, however, that such expenditure is *bona fide*, and actually made or borne by the person or persons, or some or one of them, liable, or who would but for this provision be liable to taxation upon the said mine under this Act, and that separate accounts of such expenditure are kept and an affidavit or affidavits giving reasonable details of the nature, extent, and location of such work shall be furnished to the Bureau of Mines with the annual statement hereinafter provided for;

(j) It is hereby declared that no allowance or deduction shall in any case be made for cost of plant, machinery, equipment or buildings, nor for capital invested, nor for interest or dividend upon capital, or stock or investment, nor for depreciation in the value of the mine, mining land or mining property by reason of exhaustion or partial exhaustion of the ore or mineral, but this shall not restrict the generality of anything hereinbefore in this section contained.

(4) For the purpose of this section, unless a contrary intention appears, the operations, business, matters and things carried on, occurring or existing during the preceding year, shall be taken as the basis of fixing, assessing and ascertaining the taxation hereunder, but the tax payable shall nevertheless be deemed to be a tax for the calendar year in which it is payable.

Notice of
active oper-
ations.

7.—(1) The owner, lessee, tenant, holder, occupier, manager and operator of every mine from which ore, minerals or mineral-bearing substances is or are being taken at the date of the passing of this Act, shall within one month after such passing, and the owner, holder, manager, lessee, tenant and occupier and operator of every such mine commencing active operations as aforesaid at any time after the passing of this Act, shall within ten days after the commencement of such active operations, notify the Bureau of Mines of the fact that such mine is in active operation, and shall give in such notice the name of the mine, and the name and address of the owner, holder, manager, lessee, tenant, occupier and operator of such mine, and the name and address of the manager, or of some other person, to whom notices to be given under this Act may be sent (to be known as the name and address for service), and shall forthwith notify such Bureau of every change in the name and address of such manager or person, and of every change in the ownership, holding, tenancy, management, occupation or operation of such mine, and of every discontinuance of active operations, and of every recommencement thereof after discontinuance.

List of mines.

(2) From the information so given, and from any other available source, the Bureau of Mines shall prepare and keep a list showing all operating mines in the Province, with the names and addresses and particulars as so notified and given, (keeping in a distinct and separate column or place, the name and address for service) and any notice or requisition, required or provided for by this Act, shall be deemed to have been properly and sufficiently given, and served if mailed by registered letter to the person whose name and address for service have been given, at such address, or, in case such a name and address be not so notified, then if mailed by registered letter to the address which the official or person sending the notice or requisition thinks most likely to reach the proper person.

Shipping
forbidden
before notice.

8. It shall from and after the expiration of thirty days after the passing of this Act be unlawful for any person to ship, send, take or carry away, or permit so to be shipped, sent, taken or carried away from the mine from which the same may have been taken after the passing of this Act, any ore, mineral or mineral-bearing substance so taken, or any product thereof, until such person has so notified the Bureau of Mines that the mine from which the same has been taken is in active operation.

9.—(1) Every person liable to pay the tax specified in section 6 of this Act shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required, on or before the first day of August, 1907, and on or before the first day of March in every year thereafter, deliver to the Bureau of Mines, a detailed statement in which shall be set forth:

Statement to
be furnished.

- (a) The name and description of the mine;
- (b) The name and address of the person or persons owning, holding, leasing, managing, occupying and operating the same;
- (c) The quantity of ore, minerals and mineral bearing substances shipped or sent from or treated on the mining premises during the year ending 31st December last preceding;
- (d) The name or names of the smelter or mill and locality to which the same or any part thereof was sent;
- (e) The cost per ton for transportation to the smelter, refinery or mill, and actual, proper and necessary expenses of making sale, if any, and by whom paid or borne;
- (f) The cost per ton for smelter or mill charges, and by whom paid or borne;
- (g) The quantity of ore, minerals and mineral-bearing substances treated on the mining premises during the said year;
- (h) The value of the ore, minerals and mineral-bearing substances shipped after deducting the charges for making sales, and for transportation or for treatment;
- (i) The value of the ore, minerals and mineral-bearing substances treated on the mining premises;

And such statement shall also show in another column or columns with reasonable detail, the various expenses, payments, allowances, and deductions which are proper to be made under the provisions of subsection 3 of section 6 of this Act; and such statement shall show by way of summary the total receipts or market value at the pit's mouth of the year's output, as in this Act specified, and the total amount of expenses, payments, allowances and deductions proper under this Act to be deducted therefrom, and the balance of profits for the year as in this Act provided, and may also show the amount of income tax, if any, actually paid or borne by the person liable to pay the tax specified in section 6. of this Act in respect of income derived from
said

said mine during said year to the municipality or municipalities in which the said mine or any part thereof is situated.

Statement to be
attested on
oath.

(2) Such statement and information required by this section shall be made and furnished by and under the oath of the owner, manager, holder, lessee, tenant, occupier or operator of such mine; but the Bureau of Mines or any Mine Assessor may require such information and statement, or any part thereof, to be given or verified under oath by any other or others of such persons, or by any person connected with the ownership, operation or management of any such mine, and may in addition to the particulars above detailed require any other information, particulars or statements that may be thought expedient, and such requisition or requisitions may be made at any time or times the same may be deemed proper.

(3) The Minister may for good cause enlarge the time for making such return or statement.

Books to be
kept.

10.—(1) Every person owning, managing or operating a mine, liable to pay the tax in section 6 of this Act mentioned, shall keep, at or near the mine, proper books of account of the ore, minerals or mineral-bearing substances taken from the said mine, containing the quantity, weight and other particulars of the same and the value thereof, and showing the returns from the smelter, mill, or refining works, or other returns of the amounts derived from the sale of such ores, minerals and mineral-bearing substances; and no ore, mineral or mineral-bearing substance taken out of any mine shall be removed therefrom or treated at any smelter, mill or refining works until the weight thereof shall have been correctly ascertained and entered in the said books of account; and such person shall also keep proper books showing each of the several expenses, payments, allowances or deductions mentioned in subsection 3 of section 6 of this Act, and showing any other facts and circumstances necessary or proper for ascertaining the amount of the tax payable under section 6 of this Act.

Power of Mine
Assessor as to
books.

(2) If any doubt arises as to where such book or books shall be kept, or as to how many, or what books shall be kept, the Mine Assessor shall determine the number and character of books to be kept and the place or places at which they shall be kept.

MINE ASSESSOR AND HIS DUTIES.

Mine assessor
and duties.

11. The Lieutenant-Governor in Council may from time to time appoint one or more officers under this Act, to be known

known as a Mine Assessor or Mine Assessors, and the Minister may from time to time appoint any officer or person to perform for the time being, or to perform in any locality or in any special matter or case the duties of Mine Assessor, and every such officer or person shall be deemed an officer of the Bureau of Mines, and it shall be his duty, subject to the direction of said Minister, annually, and oftener if so required, to prepare lists and descriptions of and ascertain and report the facts and particulars concerning all mines, mining properties and mining rights liable, or which might be liable, to taxation under this Act, and to furnish the same to the Bureau of Mines, and to make such investigations, and perform such other duties, as are provided for by this Act, or as may be prescribed by the said Minister.

12. It shall be at all times lawful for any Mine Assessor to enter upon mining premises for the purpose of making enquiries, obtaining information and otherwise performing his duties under this Act, and for any of these purposes he may descend all pits, and shafts, and use all tackle, machinery, appliances and things belonging to the mine as he shall deem necessary or expedient, and he shall have free ingress and egress to, from and over all buildings, erections and vessels used in connection with the workings, and he shall from time to time be allowed to take from the said mining premises such samples or specimens as he may desire for the purpose of determining by assay or otherwise the value of the ore, minerals or mineral-bearing substances being taken therefrom, or any product thereof, and he shall have full and complete access to all books of account and letters kept or used for or in connection with the work and business of such mine and may examine the same and take copies thereof or extracts therefrom, but any information of a private or confidential nature acquired by any Assessor under the provisions of this section shall not be communicated or disclosed to anyone except so far as may be necessary for the purposes of this Act.

Assessor may enter mines.

TAX ROLL AND APPEALS.

13.—(1) The Bureau of Mines or any Mine Assessor or other officer or person acting under the direction of the Minister in that behalf, shall as soon as practicable after the receipt of the returns and statements in section 9 of this Act mentioned, prepare from these and from the lists, statements and reports of the Mine Assessor a tax roll showing all mines and persons liable for the taxes specified in section 6 of this Act, and showing the quantity and value of output for each mine, the amount of deductions therefrom under the various headings as far as practicable, the

Preparation of tax roll.

the profits for which each mine and person is assessable, and the amount of tax payable by each, also any deduction entitled to be made therefrom by reason of payment of municipal income tax. In making up the said roll the statement furnished pursuant to section 9 of this Act shall be *prima facie* evidence of the information required; but any default or defect in the furnishing of such statement or any omission therefrom shall not prevent the complete preparation of the roll but in all cases the officer or person charged with the duty of preparing said roll may, subject to the approval of the Minister make full and careful enquiry as to the correctness thereof, and may resort to all available sources of information within his control, and may make or order a Mine Assessor to make any investigation he deems fit, and may fix such amount as he believes to be just and correct; provided that whenever a mine or person is assessed for a larger sum than the statement shows liability for, notice thereof shall be given to such person, and such person shall be entitled within fifteen days from the mailing of such notice to appeal from the said assessment as hereinafter provided.

Appeals.

(2) When the time for filing such appeal has expired, the cases appealed shall be marked or distinguished from the others on the said roll, and the roll shall thereupon be made up in duplicate, and the Minister shall by his signature authenticate the same as being the roll for the year, and subject to the determination of such appeals, and subject to any additions or alterations that may be made by or pursuant to any investigation that may be ordered or directed as hereinafter provided for, the said roll shall be final and conclusive as to the liability of the several mines and persons therein mentioned to pay the tax therein specified.

Notice of
appeal.

(3) An appeal, as provided for in the first subsection of this section, shall be made by lodging with the Bureau of Mines within the time limited, a notice in writing, stating that the appellant thereby appeals from the tax in question, and stating as far as practicable the grounds of such appeal or the particulars of objection to the tax, and such appeal shall be referred in writing by the Minister to the Mining Commissioner or to the Ontario Railway and Municipal Board, to be tried and determined.

Investigation
in lieu of
appeal.

(4) The Minister, if in any case he sees fit, instead of having the amount of the tax for any mine or person entered on the roll, as in the first paragraph of this section mentioned, may direct in writing that the amount of the tax for which such mine or person is liable shall be ascertained and fixed by the Mining Commissioner or by the Ontario Railway and Municipal Board; and the said Minister may at any time either before or after the
said

said roll is made up and signed, and whether or not the mine or person in question is entered thereon for taxation, direct in writing that the truth or correctness of any statement furnished pursuant to section 9 of this Act, or that the question of liability or amount of liability of any mine or person for the tax under this Act, shall be enquired into and investigated and reported upon by the Mining Commissioner or the Ontario Railway and Municipal Board.

(5) The Mining Commissioner or Ontario Railway and Municipal Board shall upon receiving any such direction or reference as is in subsection 3 or subsection 4 of this section mentioned, proceed to try and dispose of the appeal, or determine or enquire into and investigate the question or matter so referred or directed to be investigated, and for all and any of said purposes shall have the same power to enforce the attendance of witnesses, and to compel them to give evidence, and produce documents and things, as is vested in any Court in civil cases, and the decision, finding or report of the Mining Commissioner or Ontario Railway and Municipal Board, after giving the parties an opportunity to be heard, shall for the purposes of this Act be final and conclusive as to the particulars therein mentioned, subject only as hereinafter in this section provided.

Hearing
of appeal.

(6) In any such proceedings or investigation, or on any appeal, the Mining Commissioner or the Ontario Railway and Municipal Board may order the appellant, or the person causing the investigation by reason of false or incorrect statements, or failure to keep books and accounts or to otherwise conform to the provisions of this Act, to pay the costs of such appeal, proceeding or investigation, and may direct that the same be taxed by a taxing officer of the High Court of Justice and added to the tax for which such person is liable under this Act; and in any case where the statement filed or furnished, pursuant to section 9 of this Act, understates the amount on which the tax should be paid, the person making such false or incorrect statement shall pay double the tax to which he would otherwise be liable; but if it shall appear to the Mining Commissioner or the Ontario Railway and Municipal Board, and he or they certify that such understatement was not made with the intent or for the purpose of decreasing the amount of tax to be paid, but was made in good faith and with no improper motive, then in such case the Lieutenant-Governor in Council may, upon the recommendation of the Minister, remit so much of the added percentage and so much of the costs as may in his discretion seem just.

Costs.

(7) All decisions, findings and reports made pursuant to the last preceding subsection shall be filed with the Bureau of Mines, and notice of such filing shall forthwith there-

Filing decision.

after be mailed by said Bureau of Mines to the owner or manager of the mine concerned.

Appeal to
Court of Appeal

(8) In any case where the amount of the tax involved exceeds \$1,000 an appeal shall lie from any decision, finding or report of the Mining Commissioner or the Ontario Railway and Municipal Board under this section to the Court of Appeal for Ontario; provided that notice of such appeal is lodged with the Bureau of Mines within fifteen days after the filing of said decision, finding or report with the Bureau of Mines, and the procedure upon and governing such appeal shall be, as far as may be, the same as upon an appeal to the Court of Appeal in an action, but leave shall not be necessary, and the decision of the Court of Appeal shall be final.

Notifying of
tax.

14. It shall be the duty of the Bureau of Mines, or the person charged with the collection of any tax imposed by section 6 of this Act, to notify the owner or manager of the mine liable for such tax of the amount and time for payment thereof at least fifteen days prior to such date; but failure to comply with this provision shall not affect the liability for payment of any such tax at the time and in the manner in this Act provided; nor shall it prevent or affect the collection or enforcement thereof or the happening of any forfeiture or accrual of percentage or penalty for non-payment, or any other matter or thing whatsoever in this Act provided.

INCOME TAX MAY BE DEDUCTED.

Income tax
deducted.

15. When any person liable to payment of the tax in respect of any mine under section 6 of this Act has also actually paid or borne a tax for income, he shall be entitled to deduct from the amount of the tax any sum or sums actually paid or borne by him, as income tax during the preceding year, upon income derived from such mine, to any municipality or municipalities in which said mine or any part thereof is situated, provided that a proper receipt for or certificate of such payment signed by the municipal collector or treasurer to whom the same was paid is furnished to the Bureau of Mines with the annual statement required by section 9 of this Act.

ACREAGE TAX.

Acreage
tax.

16.—(1) Except as hereinafter provided,

(a) Every mining location and mining claim in unorganized territory in the Province, held either mediately or immediately under patent granted or lease issued by the Crown under or pursuant to the provisions of any statute, regulation

regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes; and

(b) All mining rights, whether of all kinds or only one or more kinds of mines or minerals howsoever granted or acquired, owned or held under lease, agreement, or option, in any lands in any unorganized territory in the Province, by any person not owning the surface rights in said lands; shall be liable for, and the owner, holder, lessee and occupier thereof shall pay an acreage tax of two cents per acre in each year.

(2) But no such tax shall be payable in respect of such acreage as was during the preceding year actually and *bona fide* in use for farming purposes, or occupied by buildings, or reasonably required or used in connection with such farming or buildings; but this paragraph shall not operate to exempt from taxation mining rights held apart from the surface rights as in paragraph (b) above described.

Farmed land exempt.

Provided that there shall be no right to exemption under this subsection unless a claim for such exemption shall have been made, and proof by affidavit or otherwise of the facts shall have been furnished, to the Bureau of Mines not later than 1st March of the year in which the tax is payable, nor unless such claim for exemption shall have been approved in writing by the Mine Assessor; but in the year 1907 such claim and affidavit may be filed at any time prior to 1st September, 1907.

Proviso.

17.—(1) The trustees of every school section in unorganized territory in the Province shall prepare a list of all mining locations, mining claims, mining rights and other lands within their school section liable to said acreage tax, which shall be signed and certified by their Secretary or Secretary-Treasurer, and shall forward the same to the Bureau of Mines on or before the 30th day of April in each year.

School trustees in unorganized districts to make list.

(2) There shall be paid by the Treasurer of the Province to the said trustees for school purposes each year one-half of the amount certified by the Deputy Minister of Mines to have been actually received by the Province for such acreage tax within said school section during the year, and it shall be the duty of the said Deputy Minister each year to certify such sum.

Payment to school trustees of one-half of acreage tax.

ACREAGE TAX ROLL.

18.—(1) From the lists furnished as in the last preceding section provided, from lists and information prepared by the Mine Assessor, and from records in the Bureau of Mines and in the Department of Lands, Forests and

Acreage tax roll.

Mines

Mines, and any other source of information, the Deputy Minister of Mines, or any assessor charged with such duty, shall prepare each year a tax roll of properties and persons liable to the acreage tax in section 16 provided for, but said roll shall at all times be subject to corrections or additions.

(2) Any omissions or errors in such roll may by any person be notified to the Bureau of Mines, and may at any time be supplied or corrected.

Liability for
tax though
not on roll.

19. Notwithstanding anything in the last preceding section, every person and property liable under section 16 for payment of acreage tax shall be and continue so liable whether entered in such roll or not, and said tax shall without any notice or demand be payable at the time and in the manner by this Act provided.

Disputes and
appeals.

20. In case of any question or dispute arising as to the liability of any person or property to the tax under section 16, the Minister may in writing refer such dispute or question to the Mining Commissioner or the Ontario Railway and Municipal Board, and thereupon all the provisions of subsections (5), (6) and (7) of section 13 of this Act shall as far as may be apply thereto.

FORFEITURE FOR NON-PAYMENT.

Forfeiture
for non-pay-
ment of tax
advertisements.

21.—(1) The Deputy Minister of Mines shall prepare annually a list of all mines, mining locations, mining claims, mining lands and other lands and minerals in respect of which any tax by this Act imposed is two years or more in default, and with the approval of the Minister, he shall cause a list of the mines, mining locations, mining claims, mining land or lands or mineral rights in respect of which taxes are in arrear to be advertised in four successive issues of *The Ontario Gazette* and in one newspaper, if any, published in the district or county in which the property is situate, stating that unless the amount due with costs and expenses shall have been paid on or before a date to be in said advertisement specified, which day shall be either the 30th of June or the 31st of December, not less than six months nor more than a year after the first publication of said advertisement, said property shall upon the next day following the day so fixed become forfeited to and revested in the Crown.

Forfeiture.

(2) If after publication of such advertisement payment of the tax due in respect of any mine, mining location, mining claim, mining land, or other land or mining rights in said advertisement mentioned or described, together with all additions, penalties and costs and the costs of advertising

advertising, is not made on or before the day fixed in said advertisement as the last day for payment, then on the next succeeding day after the day so fixed, or at any time thereafter the Minister may by a certificate under his hand and seal of office declare that such mine, mining location, mining claim, mining land or other land or mining rights shall, notwithstanding anything in this Act or any other Act, law or regulation contained, be forfeited to and vested in the Crown in right of the Province, and that the patent or lease whereby the said mine, mining location, mining claim, mining lands or other lands or mineral rights was or were granted or leased by the Crown or other title under which they are held is revoked and cancelled, and thereupon the premises comprised therein shall vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing, arising or accruing before or after such forfeiture shall be so declared.

(3) Provided that no lands or mining rights forfeited and vested in the Crown under this section shall be open to location, staking or recording as a mining claim unless and until declared so open by Order in Council.

Forfeited
land not open
to location.

(4) The Registrar of any Registry Division in which any lot or parcel of land or mining rights included in a certificate of forfeiture given under this Act is or are situate, or the Local Master of Titles (as the case may be) to whom the said certificate or any exemplification or certified copy thereof is tendered for registration shall duly receive and register the same against the land affected thereby.

Registration
of certificate
of forfeiture.

(5) Such certificate shall, upon production, without proof of authenticity, or of the official character of the person signing the same, and any exemplification thereof certified by the Deputy Minister of Mines, shall, without proof of the signature of the Deputy Minister, be received as evidence in any Court, and the same, or any recital of forfeiture contained in any subsequent patent or lease of the said lands or mining rights issued thereafter, shall in any Court be absolute and conclusive evidence of the forfeiture to the Crown of the land so certified, declared or recited to have been forfeited.

Certificate
evidence.

22. In case any doubt or dispute arises as to the liability of any person to pay a tax or any portion of a tax demanded under this Act, or where owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Minister may compromise the matter by the acceptance of such amount as he may deem proper; and in case the tax claimed has been paid

Compromise
of tax.

paid under protest, he may refund the same or any part thereof to the person making such payment.

Algoma land
tax repealed.

23. Chapter 26 of the Revised Statutes of 1897, and all amendments thereto are repealed, except in regard to any tax now due thereunder, as to which and as to the land and person or persons chargeable with such tax said Statutes are to remain in full force and effect.

Mine under
agreement
exempt.

24. Where by any agreement heretofore made between the owner, holder, tenant, lessee, occupier or operator of a mine and the Crown it is agreed that no tax shall be paid, such mine shall be exempt from the profit tax and acreage tax imposed by this Act.

PART II.

NATURAL GAS.

Natural gas
subject to tax.

25. All natural gas in the Province of Ontario shall be subject to a tax of two cents for every thousand feet flowing, drawn or pumped from or produced by the well;

Proviso.

Provided natural gas used by the owner or occupier of the land on which the well producing the same is situated, or used by two or more persons from a well jointly sunk for their own use on land owned by one or more of them shall not be subject to such tax.

Books to be
kept.

26.—(1) The owner, lessee, tenant, operator or occupier of every well shall keep a book continuously at some place within the Province of Ontario to be fixed by the Mine Assessor, in which shall be truly and faithfully recorded the total quantity of gas flowing, drawn or pumped from, or produced by the well or wells operated by him.

(2) Such book shall for the year 1907 contain entries of all gas produced from and after the first day of January, 1907.

Inspection of
meters, books
etc.

27.—(1) The Mine Assessor shall have the right, at any and all times, and from time to time, as often as he shall think fit, to inspect all apparatus and machinery used in connection with the well, for the purpose of estimating or ascertaining the quantity of gas flowing, drawn or pumped from, or produced by any well.

(2) He shall also have the right at all times to examine said books and to call for and examine all books, records and memoranda, whether the same are required by law to be kept or not, kept by the owner, lessee, tenant, operator or occupier or any one or more of them, for the purpose of ascertaining the quantity of gas flowing, drawn or pumped
from

from or produced by any well; and the owner, lessee, tenant, operator or occupier shall forthwith upon demand produce to the Mine Assessor all such books, records and memoranda for the purpose aforesaid.

28. If the Mine Assessor has reason to believe that the amount of gas produced by the well is not correctly shown by the book required to be kept, or by other books, records or memoranda as aforesaid, he may direct that a meter shall be affixed by the owner, lessee, tenant, occupier or operator of every well to every main pipe or duct through which all the gas flowing, drawn or pumped from the well or wells shall pass, so as to indicate the total gross quantity of gas flowing, drawn or pumped from, or produced by such well or wells. When meter to be affixed.

29.—(1) The meter may be inspected and tested, at any time or times, by or at the request of the Mine Assessor, as he shall think fit, for the purpose of ascertaining whether it correctly records the quantity of gas flowing, drawn or pumped from, or produced by the well or wells, and in case he shall find that the same is not truly recording the quantity of gas flowing, drawn or pumped from, or produced by such well or wells, he may by a writing under his hand order that the same shall be forthwith put in order so as to furnish a true record, or he may order that a new meter shall forthwith be affixed to the pipe or duct; and the owner, lessee, tenant, operator or occupier shall forthwith cause the order to be obeyed. Defective meters to be remedied.

(2) If the Mine Assessor shall find that the meter is so placed that the total quantity of gas flowing, drawn or pumped from, or produced by the well or wells does not pass through the meter, he may by a writing under his hand order that the same shall be so placed that the whole of the gas proceeding from the well or wells shall pass through the same, and the owner, lessee, tenant, occupier or operator shall forthwith cause the order to be obeyed. Meter not correctly placed.

30. Every owner, tenant, lessee, operator and occupier of a gas well or gas wells shall forthwith after the passing of this Act furnish to the Bureau of Mines a statement showing the wells operated by them or him, their location, the names and addresses of the owner, tenant, lessee, operator or occupier and the name and address of some person in the Province of Ontario to whom notices to be given under this Act may be sent and any order made by the Mine Assessor or any notice required to be given may be delivered to the owner, tenant, lessee, operator or occupier or to the person named for receiving notices, and if no such person is named, then to any manager, clerk, foreman or other person in the employment of the owner, tenant, les- Notice of operating wells.

see Service of notices, etc.

see, operator or occupier at the well or in charge of the same, or to any manager or clerk at the office of the owner, tenant, lessee, operator or occupier.

Statement to be
furnished by
owner.

31. Every owner, lessee, tenant, occupier and operator of any well or wells to which this Act applies, and every manager or superintendent thereof shall furnish to the Minister in each year on the first day of August and the first day of February a true statement under oath of the total quantity of gas which flowed, was drawn, or pumped from, or produced by, such well or wells during the six months ending the thirtieth day of June and the thirty-first day of December respectively immediately preceding such dates and the first of such statements shall be made on the first day of August after the passing of this Act; provided that for the tax payable in the year 1907 each person aforesaid shall also on the said first day of August, 1907, furnish under oath a true statement of the total quantity of gas which flowed, was drawn or pumped from or produced by his well or wells during the year 1906.

Assessor to
examine
statement.

32.—(1) It shall be the duty of the Mine Assessor to examine the same, and ascertain whether or not the same is a true and correct statement of the quantity of gas which proceeded from the well or wells for such period, and if he finds the same to be correct, the quantity so stated shall be the quantity upon which the tax shall be computed for such period, and the Mine Assessor shall thereupon notify the owner, lessee, tenant, operator or occupier of the same.

Incorrect
statement,
amendment.

(2) If the Mine Assessor shall be of opinion that the same is incorrect, he shall notify the person furnishing the statement thereof, and in what particular the same is deemed to be incorrect, and, if the owner, lessee, tenant, occupier or operator assents thereto, the statement may be amended and re-sworn to, and when so amended the quantity so stated shall be the quantity upon which the tax shall be computed for such period.

Disputed
statement.

(3) If the owner, lessee, tenant, operator or occupier disputes the notice so given, the dispute shall be heard by the Mining Commissioner or the Ontario Railway and Municipal Board as the Minister shall direct, and such decision shall be final and conclusive, and the quantity so found shall be entered on the statement as the true quantity, and the tax for such period shall be computed thereon.

Date of
payment of
tax.

33. At the times specified in section 4 of this Act, the owner, lessee, tenant, operator or occupier shall pay to the Minister the full tax for the quantity of gas shown in the statement as having proceeded from the well during the preceding year. If any dispute is pending on that date as to the true quantity, the tax shall nevertheless be paid

paid on the amount shown in such statement, and as soon as such dispute shall have been determined by increasing the quantity, the remainder of the tax shall be forthwith paid, and if a less quantity shall be found to have proceeded from the well, the excess of the tax received shall be forthwith remitted to the person paying the tax.

34. Part II. of this Act shall not apply to any Municipal Corporation.

Part II not to apply to municipality.

PART III.

PERCENTAGE, REMEDIES AND PENALTIES.

35.—(1) In case any tax by this Act imposed is not paid at the time in this Act provided, ten per cent. shall forthwith be added thereto, and ten per cent. shall be added at the expiration of each year thereafter that the tax remains unpaid, and the said increased amounts shall for all purposes be and become the tax due and payable under this Act.

Ten per cent. to be added for default.

(2) It shall be the duty of the Deputy Minister of Mines or such other person as may be directed by the Minister to keep a careful record of all arrears of taxes under this Act, with the increased amounts from time to time entered thereon.

Record of arrears to be kept.

36. All taxes, double taxes, percentages, penalties and costs respectively payable under this Act shall be a special lien on the mine, mining location, mining claim, land or mining rights and upon all ore, minerals or mineral-bearing substances taken therefrom, and upon the gas well or wells and the leases of and rights respecting the same and upon all machinery upon or connected with the mine or gas well or wells in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or shall accrue after the attaching of such lien, and its priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration and the same may be realized by action for sale of any or all property, leases and rights subject to such lien.

Taxes to be a special lien.

REMEDIES.

37. If any tax imposed by this Act is not paid when due the same, together with the added percentage, may be recovered from the owner, tenant, lessee, occupier or operator of the mine or well by an action at the suit of the Minister in any court of competent jurisdiction, together with costs of action.

Action to recover tax.

Injunction
and receiver.

38. In addition to any other remedies for the recovery of any tax by this Act imposed, an injunction or order in the nature of an injunction or receiver, or such other relief or remedy as may be proper may be obtained at the instance and in the name of the Minister to prevent removal of any output, ore, mineral or mineral-bearing substance, or natural gas, or to prevent the carrying on of mining operations or production of gas until any tax in default is paid, or in any case where there is danger of removal of the output, ore, mineral or mineral-bearing substance for the purpose of avoiding payment of any tax, though such tax is not yet due.

Action by
Minister does
not abate.

39. Any action which may be brought under this Act may be brought by the Minister as plaintiff, and it shall not be necessary to name the said Minister, and the action shall not abate by reason of a change in the person of said Minister or by reason of the office being vacant at any time, but the action may proceed as though no change had been made or no vacancy existed.

Distress.

40. In case of default of payment of any taxes by this Act imposed, the same, together with all additions of percentage, double tax, penalties and costs, may be levied and collected by distress, together with costs of distress, upon the goods and chattels wherever found of the person or any person liable therefor, under warrant signed by the Minister or Deputy Minister of Mines, directed to the Sheriff of any county or counties or district in which the person in arrear may have any goods or chattels, and in such case the sheriff shall realize the amount directed to be realized by the warrant and all costs by sale of such goods or so much thereof as may be necessary to satisfy the amount directed to be levied by the said warrant.

PENALTIES.

Penalty for
false information.

41. Any person knowingly making or signing any false statement or furnishing any false or incorrect information to the Bureau of Mines or any Mine Assessor under section 9 of this Act, or giving any other false or incorrect information to any officer or person in respect to any other matter or thing required under this Act, or keeping or causing to be kept any false or incorrect book or accounts regarding anything required under this Act, with intent to deceive shall, in addition to any other liability, incur a penalty of \$200 for every such offence, which penalty may be recovered upon summary conviction before any Justice of the Peace having jurisdiction within the municipality in which such false statement or false information is made or furnished, or before any Justice of the Peace
having

having jurisdiction within the municipality in which such false book or account is kept.

42. Every person who is required under the provisions of section 9 to make or furnish any statement or information, and every mine in respect of which such statement or information is required to be made or furnished shall, in case of neglect to conform with the provisions of the said section, be liable to a penalty of \$20 per day for each day during which default is made, which penalty or sum shall be added to and become part of the tax imposed by this Act, and such person and such mine shall also be liable to pay a tax of double the amount for which it would have been liable under section 6 of this Act, and any such penalty or double tax may be recovered with costs from any person liable therefor in any Court of competent jurisdiction in any action brought in the name of the Minister of Lands, Forests and Mines, to be tried by a Judge without a jury.

Penalty for not furnishing information.

43. Any person violating the provisions of section 8 and any person violating the provisions of section 12 by communicating or disclosing any information contrary to the provisions thereof shall be liable to a penalty of \$50 for every such offence.

Penalty for disclosing information, etc.

44. If any order made under section 30 is not complied with within a reasonable time after it shall have been delivered, the owner, lessee, tenant, operator or occupier shall be liable to a penalty of \$10 for every day from the delivery of the order until the same shall have been complied with to be recovered with costs by action at the suit of the Minister in any court of competent jurisdiction as a debt due, and the owner, lessee, tenant, operator or occupier shall also be liable for double the tax computed upon the amount of gas estimated by the Mine Assessor to be passing through the pipe or duct during such period.

Penalty for non-compliance with orders.

45. Subsection 11 of section 2, and section 3 and section 20 of the Act passed in the second session of the 62nd year of the reign of Her late Majesty Queen Victoria, Chaptered 8, are repealed.

62 Vic. c. 8, ss. 2 (11), 3 and 20 repealed.

BONUSES.

46. Whereas it is desirable to encourage the smelting in Canada of iron ores mined in Ontario, and

Bonus on iron smelted and gas used in Canada.

Whereas it is desirable to encourage the use in Canada of natural gas produced in the Province of Ontario;

(1) If at the time when any tax upon the profits arising out of the mining of iron ore or any tax upon natural gas shall

shall become payable the person liable to pay the same shall upon oath show to the satisfaction of the Minister that such iron ore mined in Ontario has in the preceding year been smelted in the Dominion of Canada or delivered at a blast furnace in the said Dominion for the *bona fide* purpose of being smelted thereat, or shall in like manner show the quantity of natural gas used during the preceding year within the Dominion of Canada, and if such person shall not during the preceding year have infringed in any way the provisions of this Act or any of them, and is not in default or arrear in any payment, the Minister on being satisfied of the facts deposed to may remit to the person liable to pay the same the whole of the tax payable in respect to such iron ore as has been smelted in Canada or delivered at a blast furnace therein for the *bona fide* purpose of being smelted, and ninety per cent. of the tax payable on such quantity of natural gas as has been used in the Dominion of Canada in the preceding year.

Examination
to determine
truth of
statements.

(2) For the purpose of ascertaining whether the facts deposed to are true and correct, the Mine Assessor may make any examination or enquiry necessary to ascertain the correctness of the statement, and the owner, lessee, tenant, occupier or operator shall produce and show to the assessor all books, documents, records and memoranda kept by him or under his control, and in case of refusal, neglect or default to furnish any information asked for by the Mine Assessor, or to produce and show any books, documents, records or memoranda kept by him or in his power or under his control, he shall not be entitled to any remission.

REGULATIONS.

Regulations
for carrying
out Act.

47. The Lieutenant-Governor in Council may from time to time make such rules and regulations as he deems necessary or expedient for carrying out the purposes of this Act, and such rules and regulations shall be published in the *Ontario Gazette* and shall, if made when the Legislative Assembly is sitting be laid upon the table of the House during the then session and if made at any other time shall be laid upon the table of the House within the first fifteen days of the session next after the date thereof.

CHAPTER 10.

An Act to amend and consolidate the law relating to the payment of Succession Duty.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Succession Duty Act*. Short title.
2. For the purpose of raising a revenue for Provincial purposes, save as is hereinafter otherwise expressly provided, there shall be levied and paid for the use of the Province a duty at the graduated rates hereinafter mentioned upon all property which has passed on the death of any person who has died on or since the 1st day of July, 1892, or passing on the death of any person who shall hereafter die, according to the fair market value of such property at the date of the death of such person. Application of Act.
- 3.—(1) Where the following words and expressions occur in this Act they shall be construed in the manner hereinafter mentioned unless a contrary intention appears:— Interpretation.
 - (a) The words “passing on the death” as meaning passing either immediately on the death or after an interval either certainly or contingently and either originally or by way of substitutive limitation; “Passing on the death.”
 - (b) “Property” as including real and personal property of every description and every estate and interest therein capable of being devised or bequeathed by will or of passing on the death of the owner to his heirs or personal representatives; “Property.”
 - (c) “Interest in expectancy” as including an estate, income or interest in remainder or reversion and any “Interest in expectancy.”

any other future interest whether vested or contingent but not as including a reversion expectant on the determination of a lease;

"Executor."

(d) "Executor" as including administrator, trustee, guardian, committee or other person seized or possessed of or entitled to any property in a fiduciary capacity;

"Treasurer."

(e) "Treasurer" as meaning the Treasurer of the Province of Ontario;

"Child."

(f) The word "child" as including any lawful child of the deceased or any lineal descendant of such child born in lawful wedlock or any person adopted while under the age of twelve years by the deceased as his child or any infant to whom the deceased for not less than five years immediately preceding his death stood *in loco parentis* or any lineal descendant of such adopted child or infant as aforesaid born in lawful wedlock;

"Aggregate value."

(g) The words "aggregate value" as meaning the value of the property after the debts, encumbrances and other allowances authorized by section 4 of this Act are deducted therefrom, and for the purposes of determining aggregate value and the rate of duty payable the value of property situate out of Ontario shall be included;

"Dutiable value."

(h) The words "dutiable value" as meaning the value of the property after the debts, encumbrances and other allowances and exemptions authorized by this Act are deducted therefrom. R.S.O. 1897, c. 24, s. 2; 5 Edw. VII. c. 6, s. 3.

Allowances made in computing dutiable value.

4. In determining "dutiable value" the value shall be taken as at the date of the death of the deceased, and allowance shall be made for reasonable funeral expenses, debts and encumbrances and Surrogate Court fees (not including solicitor's charges); and any debt or encumbrance for which an allowance is made shall be deducted from the value of the land or other subject of property liable thereto; but an allowance shall not be made:—

No allowance to be made for certain debts and expenses of administration.

(a) For any debts incurred by the deceased or encumbrances created by a disposition made by him unless such debts or encumbrances were created *bona fide* for full consideration in money or money's worth wholly for the deceased's own use and benefit and to take effect out of his estate; nor

(b)

(b) For any debt in respect whereof there is a right to reimbursement from any other estate or person unless such reimbursement cannot be obtained; nor

(c) More than once for the same debt or encumbrance charged upon different portions of the estate; nor

(d) Save as aforesaid, for the expense of the administration of the estate or the execution of any trust created by the will of the deceased or by any instrument made by him in his lifetime. 5 Edw. VII. Chap. 6, s. 3.

5. No duty shall be leviable:—

Exemptions.

(1) On any estate the aggregate value of which does not exceed \$10,000; Estates not exceeding \$10,000.

(2) On property devised or bequeathed for religious, charitable or educational purposes to be carried out in Ontario or by a corporation or a person resident in Ontario, or on the amount of any unpaid subscription for any like purpose made by any person in his lifetime to any corporation or person mentioned in this subsection for which his estate is liable; Charitable bequests.

(3) On property passing by will, intestacy or otherwise to or for the use of a grandfather, grandmother, father, mother, husband, wife, child, daughter-in-law or son-in-law of the deceased where the value of the property of the deceased does not exceed \$50,000; Property passing to certain persons not over \$50,000.

(4) On any moneys received under a contract of insurance effected by any person on his life payable to any of the persons mentioned in subsection 3 of this section when the aggregate of such insurance or insurances does not exceed \$5,000. Life Insurance not exceeding \$5,000.

(5) Where the whole value of any property passing to any one person does not exceed \$300 the same shall be exempt from payment of the duty imposed by this Act. R.S.O. 1897, c. 24, s. 3; 1 Edw. VII. c. 8, s. 4; 5 Edw. VII. c. 6, s. 6. To one person not over \$300.

6.—(1) Save as aforesaid the following property shall be subject to succession duty to be paid for the use of the Province over and above the fees paid under *The Surrogate Courts Act*:— Description of property liable to duty.

(a) All property situate in Ontario and any income therefrom whether the deceased person owning or entitled thereto was domiciled in Ontario at the time of his death or was domiciled elsewhere and all moveable or personal property locally situated out of Ontario and any interest therein Property in Ontario or owner domiciled in Ontario.

therein where the owner was domiciled in Ontario at the time of his death;

Property transferred in contemplation of death.

- (b) All property, situate as aforesaid, or income therefrom voluntarily transferred by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, bargainor, vendor or donor or made or intended to take effect in possession or enjoyment after such death to any person in trust or otherwise or the effect of which is that any person becomes beneficially entitled in possession or expectancy to such property or income;

Donationes mortis causa, etc.

- (c) Any property, situate as aforesaid, taken as a *donatio mortis causa* or taken under a disposition purporting to operate as an immediate gift *inter vivos*, whether by way of transfer, delivery, declaration of trust or otherwise which shall not have been *bona fide* made twelve months before the death of the deceased, or property, situate as aforesaid, taken under any gift, when ever made, of which property *bona fide* possession and enjoyment shall not have been assumed by the donee immediately upon the gift and thenceforward retained to the entire exclusion of the donor, or of any benefit to him by contract or otherwise;

Property invested jointly with interest to survivor.

- (d) Any property, situate as aforesaid, which a person having been absolutely entitled thereto, has caused, or may cause to be transferred to, or vested in himself, and any other person jointly, whether by disposition or otherwise, so that the beneficial interest therein, or in some part thereof, passes or accrues by survivorship on his death to such other person, including also any purchase or investment effected by the person who was absolutely entitled to the property either by himself alone or in concert, or by arrangement with any other person;

Property passing under settlement, etc.

- (e) Any property, situate as aforesaid, passing under any past or future settlement, including any trust, whether expressed in writing or otherwise, and if contained in a deed or other instrument effecting the settlement, whether such deed or other instrument was made for valuable consideration or not as between the settlor and any other person, made by deed or other instrument not taking effect as a will whereby an interest in such property or the proceeds of sale thereof for life, or any other period, determinable

determinable by reference to death, is reserved, either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right by the exercise of any power to restore to himself, or to reclaim the absolute interest in such property or the proceeds of sale thereof, or to otherwise resettle the same or any part thereof;

- (f) Any annuity or other interest purchased or provided by any person, either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased. Money received under a policy of insurance effected by any person on his life, where the policy is wholly kept up by him for the benefit of a donee, whether nominee or assignee, or a part of such money in proportion to the premiums paid by him, where the policy is partially kept up by him for such benefit;

Annuities,
insurance, etc.

- (g) Any property, situate as aforesaid, of which the person dying was at the time of his death competent to dispose; and a person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general power as would if he were *sui juris* enable him to dispose of the property as he thinks fit whether the power is exercisable by instrument *inter vivos* or by will or both, including the powers exercisable by a tenant in tail whether in possession or not, but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or as mortgagee. A disposition taking effect out of the interest of the person so dying shall be deemed to have been made by him whether the concurrence of any other person was or was not required. Money which a person has a general power to charge on property shall be deemed to be property of which he has the power to dispose;

Property over
which decedent
had power
of disposal.

- (h) Any estate in dower or by the curtesy in any land of the person so dying to which the wife or husband of the deceased becomes entitled on the decease of such person.

Dower and
curtesy.

(2)—(a) The description of property in clauses (c) to (h) inclusive shall not be construed to restrict the generality of the description contained in clauses (a) and (b).

(b)

(b) Any property within the meaning of clauses (b) to (h) inclusive shall for all purposes of this Act be deemed to pass on the death of the deceased.

Scale of duty where property passes to grand-parents, etc., and exceeds \$50,000.

(3) Where the aggregate value of the property exceeds \$50,000, and any property passes in manner aforesaid, either in whole or in part, to or for the benefit of the grandfather, grandmother, father, mother, husband, wife, child, son-in-law, or daughter-in-law of the deceased, the same or so much thereof as so passes (as the case may be) shall be subject to a duty at the rate and on the scale as follows :

(a) Where the aggregate value exceeds \$50,000 and does not exceed \$75,000, 1 per cent.;

(b) Exceeds \$75,000 and does not exceed \$100,000, 2 per cent.;

(c) Exceeds \$100,000 and does not exceed \$150,000, 3 per cent.;

(d) Exceeds \$150,000 and does not exceed \$200,000 4 per cent.;

(e) Exceeds \$200,000, 5 per cent.

Additional duty where share of any person exceeds \$100,000.

(4) Provided that where the aggregate value of the property exceeds \$100,000, and the value of the property passing in manner aforesaid to any one person mentioned in the next preceding subsection exceeds the amount hereinafter mentioned, a further duty shall be paid on the amount so passing in addition to the rates in the next preceding subsection mentioned, as follows :—

(a) Where the whole amount so passing to one person exceeds \$100,000 and does not exceed \$200,000, 1 per cent.;

(b) Exceeds \$200,000 and does not exceed \$400,000, 1½ per cent.;

(c) Exceeds \$400,000 and does not exceed \$600,000, 2 per cent.;

(d) Exceeds \$600,000 and does not exceed \$800,000, 2½ per cent.;

(e) Exceeds \$800,000, 3 per cent.

Rate of duty where property passes to grand parents, brothers, sisters, etc.

(5) Where the aggregate value of the property exceeds \$10,000 so much thereof as passes to or for the benefit of any lineal ancestor of the deceased, except the grandfather, grandmother, father, and mother, or to any brother or sister of the deceased, or to any descendant of such brother or sister or to a brother or sister of the father or mother of the deceased or to any descendant of such last mentioned brother or sister, shall be subject to a duty of 5 per cent.

(6)

(6) Provided that where the aggregate value of the property exceeds \$50,000, and the amount passing in manner aforesaid to any one person mentioned in the next preceding subsection, except the grandfather, grandmother, father and mother, exceeds the amount hereinafter mentioned a further duty shall be paid on the amount so passing, in addition to the duty in the next preceding subsection mentioned as follows:—

Additional
duty where
more than
\$50,000 passes
to any person.

- (a) Where the whole amount so passing to one person exceeds \$50,000, and does not exceed \$100,000, 1 per cent.;
- (b) Exceeds \$100,000 and does not exceed \$150,000, $1\frac{1}{2}$ per cent.;
- (c) Exceeds \$150,000 and does not exceed \$200,000, 2 per cent.;
- (d) Exceeds \$200,000 and does not exceed \$250,000, $2\frac{1}{2}$ per cent.;
- (e) Exceeds \$250,000 and does not exceed \$300,000, 3 per cent.;
- (f) Exceeds \$300,000 and does not exceed \$350,000, $3\frac{1}{2}$ per cent.;
- (g) Exceeds \$350,000 and does not exceed \$400,000, 4 per cent.;
- (h) Exceeds \$400,000 and does not exceed \$450,000, $4\frac{1}{2}$ per cent.;
- (i) Exceeds \$450,000, 5 per cent.

(7) Where the aggregate value of the property exceeds \$10,000, so much thereof as passes to or for the benefit of any person in any other degree of collateral consanguinity to the deceased than is above mentioned, or to or for the benefit of any stranger in blood to the deceased save as is hereinbefore provided, shall be subject to a duty of 10 per cent.

Rate where
property passes
to other per-
sons.

(8) Property of a deceased person domiciled in Ontario brought into this Province by his executor or administrator for administration or distribution shall be liable to the duty hereinbefore imposed.

Property
brought into
Ontario for
administration.

(9) Where any property locally situate out of Ontario or any interest therein as aforesaid shall have paid any estate, succession or legacy duty or tax elsewhere than in Ontario an allowance for the amount so paid shall be made by this Province, and the property upon which such duty

Proviso.

Proviso.

or tax has been paid elsewhere shall be subject to the payment of such portion only of the succession duty provided for in the preceding subsections of this section as will equal the difference between the duty payable under this Act with respect to property in Ontario and the duty or tax so paid elsewhere; Provided that allowance for any estate, succession or legacy duty or tax payable elsewhere than in Ontario shall be made under this subsection only as to any country, state or British province or possession where an allowance is made for the succession duty paid under this Act on property situate in Ontario, passing on the death of any person domiciled elsewhere than in Ontario, and the Lieutenant-Governor in Council, by Order in Council, shall have extended the provisions of this subsection as to such allowance by this Province, so as to apply to such country, state or British province or possession. Provided also that the Lieutenant-Governor in Council may revoke any such order, where it appears that the law of any such country, state, British province or possession has been so altered that it would not authorize the making of an order under this subsection.

Proviso.

Foreign executors, etc., not to transfer stock until duty paid.

(10) No foreign executor shall assign or transfer any debentures, bonds, stocks or shares of any bank or other corporation whatsoever having its head office in Ontario, standing in the name of the deceased person, or in trust for him, which are subject to succession duty until such duty is paid or security is given as required by section 7 of this Act, and any such bank or corporation allowing a transfer of any debentures, bonds, stocks or shares contrary to this section shall be liable for such duty. 62 V. (2), c. 9, s. 13.

Executors, etc., to file inventory, and bonds for payment of duty.

7.—(1) An executor or administrator applying for letters probate or letters of administration to the estate of a deceased person shall, before the issue of letters probate or of administration to him, make and file with the Surrogate Registrar a full, true and correct statement under oath showing:

(a) A full inventory in detail of all the property of the deceased person and the market value thereof, and

(b) The several persons to whom the same passes, their places of residence and the degrees of relationship, if any, in which they stand to the deceased;

and the executor or administrator shall, before the issue of letters probate or of administration, deliver to the Surrogate Registrar a bond in a penal sum equal to ten per centum of the sworn value of the property of the deceased person liable, or which may become liable, to succession duty, executed by himself and two sureties, to be approved by the

Registrar

Registrar, conditioned for the due payment to His Majesty of any duty to which the property coming to the hands of such executor or administrator may be found liable.

[*As to accepting policies of guarantee companies, see R.S.O. 1897, c. 220, s. 5.*]

(2) Every person to whom property passes for any beneficial interest in possession, and also, to the extent of the property actually received or disposed of by him, every trustee, guardian, committee, or other person in whom any interest in the property so passing, or the management thereof, is at any time vested, and every person in whom the same is vested in possession by alienation or other derivative title shall be accountable for the duty, and shall, within six months after the death of the deceased, or such later time as may be allowed by the Treasurer, send by registered letter to the Treasurer an account of the property, verified on oath; Provided that this subsection shall not apply to property included in the inventory mentioned in the next preceding subsection. R.S.O. 1897, c. 24, s. 5; 6 Edw. VII. c. 19, s. 11 (3).

Where no executor or administrator accountable for duty.

(3) If at any time it shall be discovered that any property was not disclosed upon the grant of letters probate or of administration or the filing of the account, the person acting in the administration of such property and the person who is liable for the duty payable under this Act shall pay to the Treasurer the amount which, with the duty (if any) previously payable or paid on such property, shall be sufficient to cover the duty chargeable according to the true value thereof at the rates fixed by this Act together with interest thereon and shall at the same time pay to the Treasurer as a penalty a further duty of twenty-five per cent. of the duty chargeable on the value of the property not disclosed, and shall also, within two months after the discovery of the omission, deliver to the Surrogate Registrar an affidavit or account setting forth the property so not disclosed and the value thereof, in default of which he shall incur a penalty of \$10 for each day during which the default continues.

Property not disclosed on application for Probate, &c.

8.—(1) In case the Treasurer is not satisfied with the value of any property as sworn to or with the correctness of any inventory, the Surrogate Judge of the county in which the property or any part thereof subject to duty is situate shall, at the instance of the Treasurer and upon such notice by personal or substitutional service to the executor or such interested parties as he by order directs, enquire into the correctness of the inventory and as to the value so sworn to, and value any property improperly omitted, fix and settle the amounts of the debts and other allowances and exemptions, and assess the cash value of every annuity, term of years, life estate, income or other estate

Proceedings when Treasurer not satisfied with valuation.

estate and of every interest in expectancy as provided by this Act, and shall at the time and place mentioned in the notice or any other time and place named by him value all property at the fair market value and hear and determine all questions relative to the liability of property, the amount of duty and the persons liable therefor.

Powers of Judge.

(2) The Surrogate Judge shall have all the powers of a Judge of the County Court at the trial of any action and the power to compel discovery, the production of books, papers and documents and he may with the consent of the official guardian appoint for the purposes of this Act a guardian of any infant who has no guardian.

Enforcement of judgment.

(3) The judgment of the Surrogate Judge shall have the like force and effect and be enforceable in the same manner as a judgment of the County Court.

Judge may direct appraisement of property by sheriff.

(4) In lieu of or in addition to evidence of valuation of property the Surrogate Judge may in the first instance or at any time before judgment issue a direction to the sheriff of the county where any property is situate in respect to which duty is payable to make an appraisement of the property mentioned in the inventory or any part thereof or of any property wrongfully omitted.

Appraisement to be according to fair market value.

(5) When so directed the sheriff shall forthwith appraise the property mentioned in the inventory, or any part thereof, as directed by the Surrogate Judge, or any property wrongfully omitted, at its fair market value at the date of death or at the time provided in section 12, as the case may be, and make a report in writing to the Surrogate Judge of his appraisement and of such other facts as he may deem proper.

Sheriff's fees.

(6) The sheriff shall be paid by the Treasurer the following fees for services performed under this Act:

\$1 for every hour up to five hours;

\$2 for every hour in important or difficult cases;

In no case to exceed \$10 per diem;

His actual and necessary travelling expenses.

Valuation of annuities and limited estates.

9. The value of every annuity, term of years, life estate, income or other estate and of every interest in expectancy in respect of which duty is payable under this Act, shall for the purposes of this Act be determined by the rule, method and standards of mortality and of value which are employed by the Provincial Inspector of Insurance in ascertaining the value of policies of life insurance and annuities for the determination of the liabilities of life insurance companies, save that the rate of interest to be taken for all purposes of computation under this section shall be four per cent. per annum; and the Inspector of Insurance shall on the application of any Surrogate Judge determine the value of any annuity, term of years, life estate, income

or other estate or of any interest in expectancy upon the facts contained in any such application and certify the same to the Surrogate Judge and his certificate shall be conclusive as to the matters dealt with therein.

10.—(1) The Treasurer, or any other person interested, may within thirty days from the date of the judgment of the Surrogate Judge appeal to the Court of Appeal whose decision shall be final. Appeal from Surrogate Judge. Provided that no appeal shall lie unless that portion of the property or of the debts and other allowances and exemptions in respect of which such appeal is taken, or all combined, exceeds in value or amount \$10,000 according to such judgment.

(2) The costs of all such proceedings shall be in the discretion of the Court or Judge and shall be on the County Court scale, except the costs of an appeal which shall be according to the tariff applicable to proceedings in the Court of Appeal. Costs.

11.—(1) The duties imposed by this Act, unless otherwise herein provided, shall be due at the death of the deceased, and payable within eighteen months thereafter, and if the same are paid within the said period no interest shall be charged or collected thereon, but if not so paid interest at the rate of five per centum per annum from the death of the deceased shall be charged and collected, and such duties, together with the interest thereon, shall be and remain a lien upon the property in respect of which they are payable until paid. Duties to be payable within 18 months from death of owner Provided that the duty chargeable upon any legacy given by way of annuity whether for life or otherwise shall be paid in four equal consecutive annual instalments, the first of which shall be paid before the falling due of the first year's annuity and each of the three others within the same period in each of the next succeeding three years. In case the annuitant dies before the expiration of the said four years payment only of the instalments which fall due before his death shall be required. R.S.O. 1897, c. 24, s. 12 (1); 1 Edw. VII. c. 8, s. 9 (1); 6 Edw. VII. c. 19, s. 11 (8).

(a) The Lieutenant-Governor in Council, upon proof to his satisfaction that payment of the duty within the time limited by subsection 1 of this section, would be unduly onerous may, by Order in Council, extend the time for the payment to such date and upon such terms as may be deemed proper and the duty shall become due and be payable as in the said Order in Council set forth. Extension of time for payment. I Edw. VII. c. 8, s. 9 (2).

(2) Where the whole or any part of the income or interest of any property is directed to be accumulated for any period Where interest is accumulated. for

for the benefit of any person or persons or class to whom or to any of whom at the expiration of such period such property passes or income or interest becomes payable, such property shall be deemed for the purpose of this Act an interest in possession, passing at the death of the deceased, and the duty thereon shall be payable within eighteen months thereafter.

Property subject to general power of appointment liable to duty.

(3) Property passing upon the death in respect to which any person is given such a general power to appoint, as is mentioned in clause (g) of subsection 1 of section 6 shall be liable to duty and the duty thereon shall be payable in the same manner and at the same time as if the property itself had been given to the donee of the power.

Certificate of discharge to be given by Provincial Treasurer.

(4) When the duty or any part thereof has been paid or secured to the satisfaction of the Treasurer he shall, if required by the person accounting for the duty, give a certificate to that effect, which shall discharge from any further claim for such duty the property mentioned in the certificate; Provided the Treasurer shall not be bound to grant such certificate until the expiration of one year from the death of the deceased. R.S.O. 1897, c. 24, s. 12 (2), (3); 1 Edw. VII. c. 8, s. 9 (3).

Certificate not a discharge in case of fraud, etc.

(5) Such certificate shall not discharge any person or property from the duty in case of fraud or failure to disclose material facts, and shall not affect the rate of duty payable in respect of any property afterwards shown to have passed on the death, and the duty in respect of such property shall be at such rate as would be payable if the value thereof were added to the value of the property, in respect of which duty has been already accounted for; Provided that a certificate purporting to be a discharge of the whole duty payable in respect of any property included in the certificate shall exonerate from duty property in the hands of a *bona fide* purchaser for valuable consideration without notice. R.S.O. 1897, c. 24, s. 12 (4).

Except as to *bona fide* purchaser.

Duty on interest in expectancy.

12.—(1) Where the dutiable property includes any interest in expectancy the duty on such interest may be paid within the eighteen months limited by subsection 1 of section 11, and when so paid the duty shall be on the value of such interest ascertained as provided herein as at the death of the deceased.

Payment of duty after time limited.

(2) With the consent in writing of the Treasurer, the duty may be paid after the time so limited and before such interest comes into possession; but if such consent be given the duty shall then be on a value not less in any event than the value of such interest in expectancy ascertained as provided herein as at the date when the duty is paid; and no deduction shall be made by reason of duty paid or payable on any prior estate, income or interest.

(3) The duty on any interest in expectancy, if not sooner paid, shall be payable forthwith when such interest comes into possession, in which case the duty shall be on the value ascertained as provided herein as at the date of coming into possession; and no deduction shall be made by reason of duty paid or payable on any prior estate, income or interest.

Payment of duty on interest in expectancy.

(4) Subject to the provisions of subsection 2 of section 11 where any property so passes that no person is beneficially entitled to the present enjoyment of the income or any part thereof for any term of years or other period, whether certain or uncertain, the duty shall be payable on the present value of such income or part thereof for such term or period computed as provided by section 9 and shall be payable within eighteen months after the death of the deceased.

Duty on present value of income where no person entitled to present enjoyment.

(5) Notwithstanding that the duty may not be payable under this section until the time when the right of possession or actual enjoyment accrues an executor or person who has the custody or control of the property, may, with the consent of the Treasurer, commute the duty which would or might, but for the commutation, become payable in respect of such interest in expectancy, for a certain sum to be presently payable, and for determining that sum the Treasurer shall cause a present value to be set upon such duty, regard being had to the contingencies affecting the liability to and the rate and amount of such duty and interest; and on the receipt of such sum the Treasurer shall give a certificate of discharge from such duty.

Commutation of duty.

(6) Where the duty on any interest in expectancy has been commuted and paid under the provisions of this section before such interest in expectancy falls into possession, the duty so paid shall be charged on such interest in expectancy and shall be repaid with interest at the rate of four per cent. per annum to the person who has paid the same by the person entitled to such interest in expectancy at the time when such interest comes into possession.

Interest in expectancy to be charged with duty paid.

(7) Where it appears to the Treasurer that, by reason of the number of deaths on which property has passed or of the complicated or contingent nature of the interests of different persons in property passing on the death, it is difficult to ascertain exactly the rate or amount of duty payable in respect of any property or any interest therein or so to ascertain the same without undue expense in proportion to the value of the property or interest, the Treasurer on the application of any person accountable for any duty thereon and upon his furnishing all the information in his power respecting the amount of the property and the several interests therein, and other circumstances of the case, may by way of composition for all or any duty payable

Composition by treasurer for duty payable in certain cases.

able in respect of the property or interest and the various interests therein or any of them assess such sum on the value of the property or interest as having regard to the circumstances appears proper and may accept payment of the sum so assessed in full discharge of all claims for duty in respect of such property or interest and shall give a certificate of discharge accordingly.

Extension of time for the payment of duty.

13. Upon the application of any person liable for the payment of the duty the Surrogate Judge may on notice to the Treasurer and for just cause shown make an order extending the time fixed by this Act for payment thereof for any period not exceeding one year or with the consent of the Treasurer for a longer period, but, unless the Judge otherwise orders the duty shall nevertheless bear interest at the rate of five per centum per annum from the day upon which such duty might have been paid without interest.

Administrators, etc., to deduct duty before delivering property.

14. Any executor having in charge or trust any estate, legacy or property subject to duty shall deduct the duty therefrom, or collect the duty thereon from the person entitled thereto, and he shall not deliver any property subject to duty to any person until he has collected the duty thereon. R.S.O. 1897, c. 24, s. 14.

Persons liable to duty may raise same by sale, etc.

15. Any person authorized or required to pay the duty in respect of any property shall for the purpose of paying such duty or raising the amount of the duty when already paid, have power whether the property is or is not vested in him, to raise the amount of such duty and any interest and expense properly paid or incurred by him in respect thereof by sale mortgage or lease of so much of the property as may be necessary for such purpose.

Duty to be paid to Treasurer.

16. Every sum of money retained by an executor or paid into his hands for the duty on any property, shall be paid by him forthwith to the Treasurer, or as he may direct. R.S.O. 1897, c. 24, s. 16.

Refunding duty upon subsequent payment of debts.

17. Where any debts shall be proven against the estate of a deceased person, after the payment of legacies or distribution of property from which the duty has been deducted, or upon which it has been paid, and a refund is made by the legatee, devisee, heir or next of kin, a proportion of the duty so paid shall be repaid to him by the executor, if such duty has not been paid to the Treasurer, or by the Treasurer if it has been so paid. R.S.O. 1897, c. 24, s. 17.

Fees of Judges and Registrars.

18. The Judges and Registrars of the several Surrogate Courts and solicitors practising therein shall be entitled to take

take for the performance of duties and services under this Act, similar fees to those payable to them for the like services under and by virtue of *The Surrogate Courts Act* and the Surrogate Court rules. R.S.O. 1897, c. 24, s. 21; 6 Edw. VII. c. 19, s. 11 (9).

19.—(1) Any duty payable under this Act shall be recoverable with full costs as a debt due to His Majesty from any person liable therefor by action in or on summary application to any court of competent jurisdiction. 62 V. (2), c. 9, s. 1.

Rev. stat. c. 59.

Recovery of succession duties by action.

(2) The High Court shall also have jurisdiction to determine what property is liable to duty under this Act, the amount of such duty and the time or times when the same is payable, and may itself or through any referee exercise any of the powers conferred upon any officer or person by the said sections 8 to 10. 62 V. (2), c. 9, s. 2.

Matters to be determined by High Court in action.

(3) An action may be brought for any of the purposes in this Act mentioned, notwithstanding the time for the payment of the duty has not arrived, subject to the discretion of the court as to costs. 62 V. (2), c. 9, s. 3.

Action may be brought before time for payment of duty.

(4) In every such action His Majesty's Attorney-General shall have the same right either before or after the trial to require the production of documents, to examine parties or witnesses or to take such other proceedings in aid of the action as a plaintiff has in an ordinary action. 62 V. (2), c. 9, s. 4.

Production of documents, examination of witnesses, etc.

20. The Lieutenant-Governor in Council may make rules and regulations for carrying into effect the provisions of this Act, and such rules and regulations shall be laid before the Legislative Assembly forthwith, if in session at the date of such rules and regulations, and if not then in session such rules and regulations shall be laid before the Assembly within the first seven days of the session next after the same are made. R.S.O. 1897, c. 24, s. 22.

Lieutenant-Governor in Council may make regulations.

21. Except as to the liability for duty of estates of persons dying before the commencement of this Act and as to the amount of duty payable in respect thereof, *The Succession Duty Act* and amendments thereto are repealed.

Rev. Stat. Chap. 24 repealed.

CHAPTER 11.

An Act to amend The Free Grants and Homesteads Act.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.
c. 29, s. 28
amended.

1. Section 28 of *The Free Grants and Homesteads Act* is amended by striking out the words "who were in occupation of their lands on the second day of March, 1872," and the said section shall be read and construed as if it had been originally enacted as so amended.

CHAPTER 12.

An Act to amend the Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa, and the Volunteer Militia who served on the Frontier in 1866.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of the said Act as amended by section 5 of the Act passed in the sixth year of His Majesty's reign, chaptered 13 is amended by striking out the word and figures "August, 1906" in the last line thereof, and substituting therefor the word and figures "January, 1908."

1 Edw. VII.
c. 6, s. 3;
6 Edw. VII
c. 13, s. 5
amended.

CHAPTER 13.

An Act to amend The Mines Act, 1906.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

6 Edw. VII.,
c. 11, s. 2, subs.
9 amended.
"Mine,"
meaning of.

1. Subsection 9 of section 2 of *The Mines Act, 1906*, is amended by striking out all the words after the word "include" in the first line thereof and substituting therefor the words "all openings in the ground, and all other workings whatsoever in, or under, or of the ground, having for their object or purpose the winning or procuring of, or the opening up, proving or searching for, any ore, mineral, mineral-bearing substance, ore body or mineral deposit, or coal, gas, oil or salt; together with the ore bodies, mineral deposits, veins, lodes, beds of earth, gravel or cement, strata, soils, rocks and lands containing any ore, mineral or mineral-bearing substance, or where or in respect to which any workings or operations for any of the purposes aforesaid are or have been or may be carried on; and all ways, works, machinery, plant, buildings and premises, both below and above ground, belonging to or used in or upon or in connection with any mine to which this Act applies; also all roast yards, smelting furnaces, mills, works and other places which may be used for or in connection with crushing, reducing, smelting, refining or otherwise treating ore, mineral or mineral-bearing substance."

6 Edw. VII.,
s. 2, subs. 11,
amended.
"Mining,"
meaning of.

2. Subsection 10 of section 2 of the said Act is amended by adding at the end thereof the words "and shall likewise include all operations and workings mentioned in subsection 9 of this section."

6 Edw. VII.,
c. 11, s. 2, subs.
22 amended.
"Valuable
discovery,"
meaning of.

3. Subsection 22 of section 2 of said Act is amended by striking out all the words after the word "place" in the second line thereof and substituting therefor the words "appearing at the time to be of such a nature, and containing in the part thereof then exposed such kind or kinds
and

and quantity or quantities of mineral or minerals in place, other than limestone, marble, clay, marl, peat, or building stone, as to make it probable that the said vein, lode or deposit is capable of being developed into a producing mine likely to be workable at a profit."

4. Subsection 2 of section 3 of said Act is amended by inserting before the words "this Act" in the last line thereof the words "section 160 of," and the meaning thereof as made more clear by such amendment is hereby declared to have always been the true meaning of said subsection.

6 Edw. VII.
c. 11, s. 2, subs.
2 amended.

5. Section 9 of said Act is amended by striking out all the first paragraph thereof except the number 9, and by amending paragraph (a) thereof by inserting after the word "applications" in the first line the words "appeals, causes," and by substituting for the word "he" in the 4th line thereof the words "the Mining Commissioner," and by adding at the end of said paragraph (a) the following words "and in addition to what is elsewhere in this Act specified he shall have jurisdiction, power and authority in respect of the following causes and matters, namely";

6 Edw. VII.
c. 11, s. 9,
amended.

Jurisdiction
of Mining
Commissioner

And said section 9 is further amended by striking out paragraph (d) thereof and substituting therefor the following:—

(d) In all actions and matters where the whole subject matter is an unpatented mining claim, or any unpatented mining land or unpatented mining rights within Ontario (with or without rents or profits) or where any act, deed, will, contract, obligation or liability affecting any such mining claim, mining land or mining rights, is sought to be construed, rectified, set aside or enforced.

6. Section 10 of said Act is amended by adding thereto the following subsection:—

6 Edw. VII.
c. 11, s. 10
amended.

(2) In actions and suits under this Act of the kind enumerated in paragraphs (b), (c), (d), (e) and (f) of section 9, unless contrary to some rule under sections 39 or 40, or to any direction or order of the Mining Commissioner, all process, orders, documents and papers may be issued by and filed with the clerk of the county or district court as in actions or suits in the county or district court, and the like forms may be used, and the like fees shall be payable, as in county or district court actions, but such forms shall not be styled in any court, and shall be tested (where testing is necessary) in the name of the Mining Commissioner, and shall be signed and sealed by such clerk (where his signature or seal is necessary) under his title of office but with an ordinary seal.

Procedure
in action.

6 Edw. VII.
c. 11, s. 21,
repealed.

7. Section 21 of said Act is repealed and the following is substituted therefor:—

Directions for
proceedings
before Mining
Commissioner.

21.—(1) The Mining Commissioner may at any time in any appeal, application, cause, matter or proceeding within his jurisdiction, or referred to or coming before him under the provisions of this Act, give such directions as may appear just and proper for having the same most conveniently and promptly heard and determined upon the merits without unnecessary formality and without regard to any merely technical objection, and he may order the filing and serving of claims, particulars, objections or defences, the production of documents, examinations for discovery, or the making of amendments, or may make such other order or direction for the procedure or trial as may seem meet; and subject as hereinafter provided he may give an appointment or an order to either or any party to proceed with the trial or hearing in such manner and upon such notice and at such time and place as may seem proper.

Place of
trial.

(2) The Mining Commissioner shall fix the hearing or trial of every such appeal, application, cause, matter or proceeding at such place as may seem most convenient for the parties, but the same shall be held in the county or district or one of the counties or districts in which the subject matter thereof is situate, unless the Mining Commissioner, upon application of one or more of the parties, deems it desirable to fix the hearing or trial in any other place; but the Mining Commissioner may in any case where it seems desirable or likely to save expense take or order the taking of the evidence of any one or more witnesses at any place or places he sees fit, and he may hear and dispose of any interlocutory application, motion or proceeding in any county, district or place where he may at the time be or where he may deem it convenient to hear and dispose of the same.

6 Edw. VII.
c. 11, ss. 22, 34,
amended.

8. Sections 22 and 34 of said Act are amended by striking out the last sentence in each of said sections.

6 Edw. VII.
c. 11, s. 26,
amended.

Subpoenas.

9. Section 26 of said Act is amended by striking out the words “at the hearing” in the first and second lines thereof and substituting therefor the words “at any hearing or trial before the Mining Commissioner or for any examination or taking of evidence ordered by him”; and said section is further amended by adding thereto the following words “or in cases of urgency, by the Mining Commissioner; but no subpoena shall be issued by the Mining Commissioner unless a law stamp or law stamps to the amount of one dollar be first affixed thereto and cancelled by the Mining Commissioner; and all subpoenas provided for by this Act shall have the same force and effect as subpoenas issued out of the county or district court.”

10. Section 38 of said Act is repealed, and section 30 is amended by adding at the end thereof "and by filing a notice of appeal with the Mining Recorder and paying to him the prescribed fee, and unless such filing and payment are so made within said fifteen days and unless the appeal is set down for the Divisional Court and a certificate of such setting down lodged with such recorder within five days after the end of said fifteen days, said appeal shall be deemed to be abandoned and the decision in question shall thereafter be conclusive and binding upon the parties."

6 Edw. VII.
c. 11, s. 34.
amended.

11. Section 43 of said Act is amended by adding thereto the words "and in case said Divisional Court reverses or varies the decision any party adversely affected by any such reversal or variation may within fifteen days from the date of said Divisional Court decision appeal as in other cases to the Court of Appeal, and there shall be no further or other appeal."

6 Edw. VII.
c. 11, s. 43.
amended.
Appeals.

12. Section 52 of said Act is repealed and the following section substituted therefor:—

6 Edw. VII.
c. 11, s. 52.
repealed.

52.—(1) Every mining recorder shall as to the mining division for which he is appointed, and the Mining Commissioner shall subject as hereinafter provided, have power to settle summarily all disputes between licensees as to the validity, existence or forfeiture of mining claims, working permit applications and working permits, and as to the extent and boundaries of the rights or lands included therein, and as to the use of water and access thereto; and generally to settle all difficulties, matters or questions between licensees which may arise under this Act; and to settle all questions, whether arising between licensees or in any other way, as to non-compliance with the provisions of this Act regarding any mining claim, working permit application or working permit; and the decision of such mining recorder in all cases which he is by this Act authorized or empowered to settle or adjudicate upon shall be final, except where an appeal is made therefrom to the Mining Commissioner within the time and in the manner by this Act provided.

Summary
hearings.

(2) All questions as to compliance or non-compliance with the provisions of this Act regarding a mining claim, working permit application or working permit, arising prior to the issue of a certificate of record of any such claim or the granting of such permit, shall in the first instance be adjudicated upon by the mining recorder unless the mining recorder with the consent of the Mining Commissioner transfers any such question direct to the Mining Commissioner for trial and adjudication.

What must
first be tried
by Recorder.

Appeal from
Mining Recorder.

(3) Any licensee or person feeling aggrieved by any decision given or by any act or thing done or refused or neglected to be done, whether ministerial or judicial, by a mining recorder, may within the time and in the manner in section 75 of this Act specified appeal or apply in respect thereof to the Mining Commissioner who may hear and determine the matter and may make such order in the premises as may seem just; but in any case where such appellant or applicant has not in the manner specified in section 62 of this Act been notified of such decision, act, refusal or neglect of the mining recorder the Mining Commissioner may, notwithstanding that the time for appeal may have expired, allow such appeal or application to be made if the appellant or applicant appears to have suffered substantial injustice and has not been guilty of undue delay.

Appeals
regarding
ministerial
duty.

(4) In every appeal or application to the Mining Commissioner in respect of any ministerial duty of a mining recorder an appeal shall lie to the Minister from any order or decision of the Mining Commissioner, provided such appeal is taken within fifteen days from the date of such order or decision, or within such further time as may be allowed by the Minister, by filing with the Bureau of Mines and serving upon each adverse party written notice of such appeal, and there shall be no other appeal in respect of any ministerial duty of any mining recorder; but decisions of the Mining Commissioner upon appeals from any judicial decision or adjudication of a mining recorder shall be appealable as in section 43 of this Act provided.

No certiorari,
etc.

(5) No case under this Act shall be removed into any court by *certiorari*, and except in appeals, causes, matters and proceedings provided for by and taken under and pursuant to the provisions of this Act no injunction, *mandamus* or prohibition shall be granted or issued from any court in respect of anything provided or permitted under this Act to be done by any officer or official.

6 Edw. VII.
c. 11, s. 58,
repealed.

13. Section 58 of said Act is hereby repealed and the following section is added to said Act:—

What claims
to be recorded.

158a.—(1) The mining recorder shall forthwith enter in the proper book in his office the particulars of every application for a claim which he deems to be in accordance with the provisions of this Act, unless a prior application is already recorded upon the same, or any substantial portion of the same, lands or mining rights, and he shall file the application, sketch or plan and affidavit with the records of his office; and every application proper to be recorded shall be deemed to be recorded as soon as it is received in the mining recorder's office, if all requisites for recording have been duly complied with, notwithstanding that such application may not have been immediately entered in the record book.

(2)

(2) If an application is presented which the mining recorder deems not to be in accordance with this Act, or which is for lands or mining rights the same or any substantial portion of which are the same as those included in an existing uncanceled record of claim, he shall not record such application in his record book, but shall nevertheless, if desired by the applicant, upon receiving the proper recording fee, receive and file the same among the papers of his office, and the applicant may as in this Act provided appeal to the Mining Commissioner against the mining recorder's refusal to record; but no such filing shall be deemed a dispute of an existing record, nor shall it be noted or dealt with as such, unless and until a complaint verified by affidavit is filed with the Mining Recorder by the applicant or by another licensee in his behalf as in the next subsection provided.

Procedure
when refused.

(3) A complaint verified by affidavit may be made to the mining recorder by any licensee, or by another licensee on his behalf, claiming that such licensee is entitled to, or entitled to be recorded upon, the whole or any part of the lands or mining rights already recorded in the name of another person; or a complaint so verified may be made to the mining recorder by any licensee alleging that any recorded claim is not based upon a *bona fide* discovery of valuable mineral; or that it is otherwise illegal or invalid under this Act; and the mining recorder shall upon payment to him of a fee of \$10 receive and file among the papers of his office any such complaint; and every such complaint which includes or affects any of the same lands or mining rights as are included in an existing recorded application shall be deemed to be a dispute under this Act as to the rights of the licensee holding such recorded application, and the mining recorder shall enter a note thereof upon the record of such recorded application. Such complaint and affidavit may be according to Form 14a in the appendix hereto.

Dispute of
recorded claim.

(4) No such dispute as is provided for in the two last preceding subsections shall be entered against any claim after a certificate of record of such claim has been granted, nor shall any such dispute at any time be received unless there is named therein or written thereon an address for service as described in subsection (3) of section 75, and all the provisions of said subsection relating to service shall apply.

Not to be re-
ceived after
certificate
issued.

(5) Where a mining claim not within a complete inspection area has been recorded sixty days and the discovery alleged thereon has not been adversely reported upon by the inspector, and where a mining claim within a complete inspection area has been recorded sixty days, and the discovery upon which it is based has been inspected and finally allowed, the mining recorder, upon application of the licensee

Granting cer-
tificate of
record.

censee holder, if there is no dispute standing against the claim and the surface rights' compensation, if any has been arranged for or settled, shall, unless by reason of any order, pending proceeding or other special matter or thing it would be improper, grant to such holder a certificate of record, which may be according to Form No. 1, set forth in the schedule hereto, or if only a portion of the claim is affected thereby he may, if it seems proper, grant a certificate of record to the undisputed part.

6 Edw. VII.
c. 11, s. 59,
amended.

14. The said Act is amended by striking out the section numbered 59 therein and inserting the same after section 158*a* therein as section 158*b*, and adding at the end of the said section 158*b* the words: "Unless in any case upon application to or in any case coming before the Mining Commissioner he deems it just that the requirements of this section should in any particular case be excused."

6 Edw. VII.
c. 11, s. 62,
amended.

15. Section 62 of said Act is amended by inserting after the word "letter" in the fifth line thereof the words "mailed not later than the next day not a holiday after the entry of such record."

6 Edw. VII.
c. 11, s. 66,
amended.

16. Section 66 of said Act is amended by striking out all the words after the word "division" in the second line thereof and substituting therefor the following "or where any part of the Province has not been constituted into or is not included in a mining division then in every such case the duties and powers of mining recorder shall devolve upon the Bureau of Mines under the direction of the Deputy Minister, and in respect of any such mining division or territory all applications shall be made to the Bureau of Mines, and all duties and powers of a mining recorder shall be performed and exercised by the Deputy Minister."

1 Edw. VII.
c. 11, ss. 68, 69,
70, repealed.

17. Sections 68, 69 and 70 of said Act are repealed.

1 Edw. VII.
c. 11 s. 67,
amended.

18. Section 67 of said Act is amended by adding thereto the following subsections:—

Inspection.

(2) Notice of the time of making any such inspection shall be given not less than 7 clear days prior to such time to the licensee holder for the time being of such mining claim either personally or by mailing such notice by registered letter post paid to the address of such licensee appearing for the time being of record in the books of the mining recorder, unless a shorter time be agreed to by or on behalf of the licensee.

Notice.

(3) But any inspector or officer acting under the provisions of this section may if he sees fit make any inspection upon shorter notice or without notice, if for any special reason he deems the same proper, but in any such case the licensee holder of the claim may apply to the mining recorder

recorder or the Mining Commissioner for a reinspection and the same may be granted if such licensee appears to have been unfairly prejudiced by lack of notice; and notwithstanding anything in this section the mining recorder or the Mining Commissioner may always in any appeal, application, cause, matter or proceeding before either of them make or order a view or inspection of any property or discovery upon shorter notice or without notice if deemed proper.

19. Said Act is amended by adding thereto the following section: ^{1 Edw. VII. c. 11, amended.}

68.—(1) All special mining divisions shall *ipso facto*, and such other tracts of country as may from time to time be specified in that behalf by order of the Lieutenant-Governor in Council, published in *The Ontario Gazette*, shall also, constitute and be known as "Complete Inspection Areas," and no certificate of record of any mining claim situate therein shall be granted by any mining recorder until the discovery of valuable mineral upon which the application for such claim is based has been inspected, as in section 67 provided, and finally allowed; provided that in case an applicant desires prompt inspection of his discovery he may apply in writing to the mining recorder therefor, and if the same is not granted within a reasonable time he may apply to the Mining Commissioner, who may order an inspection or may try and determine the question of discovery in such manner as he may deem proper. ^{Complete Inspection areas.}

(2) The provisions of this section shall apply to all uninspected mining claims recorded prior to the passing of this Act, as well as to all claims recorded thereafter, and shall apply similarly upon the establishment of any new special mining division or "Complete Inspection Area" or upon the addition of any tract of country to any Complete Inspection Area, to all uninspected claims at the time of such establishment or addition existing therein as well as to claims that may thereafter be recorded therein. ^{Application.}

(3) The limits of any Complete Inspection Area may by order of the Lieutenant-Governor in Council published in the *Ontario Gazette*, be from time to time altered or the whole or any part of the area withdrawn from the operation of the provisions of this section. ^{Change of limits.}

20. Said Act is amended by adding thereto the following section:—

69. All mining claims in any part of the Province not for the time being included in a "Complete Inspection Area," shall nevertheless be subject to the provisions of section 67 of this Act, but in case no inspection and disallowance of the discovery or claim is made within sixty days from the date of recording the claim the mining recorder ^{Inspection in other places.}

on application to him by the applicant after the expiration of sixty days from the date of such recording shall, subject and according to the provisions of section 158*a*, in all cases grant a certificate of record.

But the provisions of this Act regarding the granting of certificates of record of mining claims not within complete inspection areas shall not come into effect till the expiration of sixty days after the passing of this amending Act.

1 Edw. VII,
c 11, amended.

21. Said Act is amended by adding thereto the following section:—

Report of
Inspection.

70.—(1) A report of each inspection authorized by section 67 of this Act, except when made in and merely for the purpose of any trial or hearing of any appeal or proceeding shall be made in writing by the officer making the inspection and be by him delivered to the Mining Recorder of the Mining Division within which such mining claim is situated.

Filing Report.

(2) Such report shall be filed by such Mining Recorder among the papers of his office, and the said Mining Recorder shall forthwith enter upon the record of the claim in question a note stating in brief the effect of such report and giving the date of its receipt, and if the said Mining Recorder deems upon the said report that the said claim should be cancelled he shall mark such record "cancelled" and affix his signature or initials to such cancellation, and in every case of receiving any such report of inspection he shall within the time and in the manner specified in section 62 of this Act, notify the holder of such claim and the disputant, if there is a dispute filed thereon, of the receipt and effect of such report, and when the claim is cancelled in consequence of such report such notice shall so state.

Cancelling
claim.

Appeal from
cancellation.

(3) An appeal by the holder of such cancelled claim or in case of allowance of the claim by any licensee having at the time a dispute filed against said claim may be made within the time and in the manner provided by section 75 of this Act to the Mining Commissioner from any such report of inspection or from any such cancellation of claim.

Posting cancel-
led claim.

(4) Upon cancellation of any claim as aforesaid, the Mining Recorder shall forthwith post up in his office a notice of such cancellation, and the lands or mining rights comprised in such claim shall thereupon, unless withdrawn from location or sale, become again open to be staked and recorded as a mining claim under the provisions of this Act, but such staking and recording shall be subject to the result of any appeal as above mentioned by the licensee whose claim has been cancelled.

(5) When any discovery has been inspected and allowed as a discovery of valuable mineral pursuant to the provisions of this and the last two preceding sections of this Act, the same shall upon expiry of the time for appealing therefrom, or in case of any appeal if finally allowed upon such appeal, be deemed conclusively to be a discovery of valuable mineral, and such fact shall not thereafter in any cause, matter or proceeding under this Act or in any Court be subject to question.

When discovery conclusive.

22. Section 71 of said Act is amended by striking out all the words after the word "time" in the sixth line thereof and substituting therefor the words "and thereafter such mining claim shall in the absence of fraud be liable to impeachment or forfeiture only as expressly provided in sections 167, 168 and 169 or any other express provision of this Act."

6 Edw. VII, c. 11, s. 71, amended.

Effect of Certificate of Record.

23. Section 73 of said Act is hereby repealed.

6 Edw. VII, c. 11, s. 73, repealed.

24. Section 74 of said Act is amended by adding thereto the following words and subsection: "and the Mining Commissioner may in any such appeal, if he deems fit, admit new or additional evidence or proceed as upon a new trial."

6 Edw. VII, c. 11, s. 74, amended.

New evidence on appeals.

(2) The Mining Commissioner shall not in deciding any appeal or other cause, matter or proceeding coming before him be bound to make any decision or order in favour of any party unless upon the real merits and substantial justice of the case he deems such party entitled thereto, and he may in any case where the appeal or cause, matter or proceeding seems vexatious, or is brought by a person residing outside the Province, order the giving of security for costs or prosecution of the case and may in default of such security, or in default of speedy prosecution of such appeal, cause, matter or proceeding dismiss the same.

Decision to be on merits.

Security for costs.

Dismissal.

25. Section 75 of said Act is amended by adding thereto the following subsections:—

6 Edw. VII, c. 11, s. 75, amended.

(2) Provided that the Mining Commissioner, when the notice of appeal has been filed with the Mining Recorder within the time herein specified and he is satisfied that it is a proper case for appeal and that after reasonable efforts the adverse parties or any of them could not be served within the time mentioned, may either before or after the time so limited make such order as he deems just for substitutional or other service upon such adverse parties.

Service of appeal.

(3) Every such notice of appeal shall contain or have written upon it a specific and definite address for service, being a place not more than five miles distant from such

Address for service.

Mining

Mining Recorder's office, and any notice, document or paper relating to such appeal shall be sufficiently served if left with any grown person at such place, or if no such person can there be found then if mailed by prepaid registered letter addressed to the appellant at the post office nearest to said place, or if no address for service is given as in this subsection provided, then by posting up the same in the Mining Recorder's office.

(4) Notice of such appeal may be according to Form 16*a* in the appendix hereto.

6 Edw. VII.
c. 11, s. 79,
amended.

26. Section 79 of said Act is amended by striking out all the words after the word "described" in the seventh line thereof and substituting therefor the following: "shall be duly constituted and established as a Mining Division."

6 Edw. VII.
c. 11, s. 84,
amended.
License
necessary.

27. Section 84 of said Act is amended by inserting after the word "minerals" in the third line thereof the following: "or stake out, record or acquire any unpatented mining claim or any share or interest therein," and section 89 is amended by adding thereto the following subsection:

(2) And nothing in this Act contained shall be deemed to authorize any person not a licensee to prospect or stake out a mining claim, special mining claim or area of mining land for a working permit or boring permit on behalf of any registered partnership or company. (*See sec. 132.*)

6 Edw. VII.
c. 11, s. 91,
amended.

Renewal of
license.

28. Section 91 of said Act is amended by striking out of the fifth line thereof the words "or within ten days thereof," and by adding at the end of said section the following: "Provided that the Mining Recorder may upon receiving the fee issue the renewal at any time prior to such expiration, but shall date it 1st April, and it shall be deemed to have issued and to take effect immediately upon such expiration."

6 Edw. VII.
c. 11, amended.

29. The said Act is further amended by adding thereto the following new sections:—

Staking for
the Crown.

101*a*.—(1) It shall be the duty of every officer and official appointed or acting under the provisions of this Act, and of every assistant of any such officer or official, who makes a discovery of valuable mineral upon any lands or mining rights open to staking and recording as a mining claim, to stake and record a parcel thereof, of the size and shape of a mining claim, in behalf of the Crown, but no license shall be required for such purpose.

To be entered
by Recorder.

(2) No proceeding shall be necessary for so staking, except to plant the posts and blaze the lines of the parcel as in this Act provided in respect of a mining claim, so far as the same is applicable, marking upon the discovery post
and

and No. 1 post the fact that said parcel has been staked by such officer, official or assistant in behalf of the Crown; and to notify the Mining Recorder of such staking, giving the date of staking and description of the property, which shall be done within the time limited by this Act for recording claims.

(3) The Mining Recorder upon receiving such notice shall enter the parcel of land upon his record book as staked in behalf of the Crown, and shall mark it upon his map with the letter "C," and from and after such staking in behalf of the Crown such parcel of property shall not be open to staking or recording by any licensee under the provisions of this Act.

101b. Any lands or mining rights staked on behalf of the Crown as in the last preceding section mentioned, and also any lands or mining rights whatsoever heretofore or hereafter reserved or withdrawn from exploration or sale as mining lands or mining claims, shall not be subject to any provision of this Act, except as in sections 100, 101, 101a and this section provided, but may in such manner upon such terms and conditions, and for such price as may be specified or provided by Order-in-Council be worked or leased or sold and granted by and for the benefit of the Crown in right of the Province, or worked under any agreement or arrangement with the Crown; and all sales, leases, grants or working agreements heretofore made in respect of any such lands or mining rights are hereby ratified and confirmed.

How Crown stakings to be dealt with.

Agreements confirmed.

30. Section 138 of said Act is repealed, and section 116 of said Act is amended by adding thereto the following subsection:—

6 Edw. VII, c. 11, s. 138, repealed.

“(2) But an irregular portion of land lying between two or more claims or between a claim or claims and a boundary or boundaries of the township lot may be staked out with the boundaries coterminous thereto, provided that the area thereof shall not exceed what would be allowed to be staked out if the said area had been regular in shape and size.

Irregular pieces of land.

31. Section 117 of said Act is amended by substituting for the word “No” in the first line thereof the words: “Subject to the provisions of section 71, no.”

6 Edw. VII, c. 11, s. 117, amended. Rights in a claim.

32. Section 118 of said Act is amended by inserting after the word “of” in the first line thereof the words “or agreement to sell or transfer” and by striking out the word “of” in the second line thereof, and by changing the numbering thereof from 118 to 159a.

6 Edw. VII, c. 11, s. 118, amended. Recording agreements to sell and transfer.

33. Section 119 of said Act is amended by inserting after the word “shall” in the second last line thereof the words “and

6 Edw. VII, c. 11, s. 118, amended.

Compensation
for surface
rights.

“and every order made under this section shall,” and by adding thereto the following subsections:—

Surface rights.

(2) Where though a mining claim had not been staked out material injury is done or is being done to any surface rights by a prospector, application as in this section provided may be made to the Mining Commissioner, who may fix compensation and direct the mode of payment or security thereof as in this section provided.

Compensation
to be a lien.

(3) All compensation awarded under this section shall be a special lien upon the mining rights held at the time the injury or the first of it was committed, and upon rights thereafter acquired by the persons against whom such compensation is fixed, and in any case under this section the Mining Commissioner may either at the time of fixing the amount of compensation or at any time thereafter make such order by way of injunction or otherwise as he may deem just for the enforcement of payment or security of the amount awarded.

6 Edw. VII,
c. 11, s. 131,
amended.

34. Section 131 of said Act is amended by striking out the last five lines thereof and substituting therefor the following: “if, and only if, the same are not at the time within any of the following descriptions, namely:—

“(1) Under staking or record as a mining claim, special mining claim, or placer mining claim, not expired, lapsed, abandoned or cancelled;

“(2) Under an existing working permit; or

“(3) Withdrawn by any Act of the Legislature, Order-in-Council or other competent authority from exploration, location or sale, or provided, ordered or specified by any such authority to be not open to prospecting, or to staking, location, or sale as mining claims.”

6 Edw. VII,
c. 11, s. 132,
repealed.

35. Section 132 of said Act is repealed and the following section is substituted therefor:—

When claim
may be staked.

132. A licensee who discovers valuable mineral in place on any lands open to prospecting as specified in section 131 of this Act, or a licensee upon whose behalf valuable mineral in place is discovered by another licensee upon any such lands, shall have the right to stake out or have staked out for him a mining claim thereon; and subject as in this Act provided he shall have the right to work the same and to transfer his interest or inchoate or potential interest therein to another licensee; but in case the surface rights have been granted, leased or located by the Crown the licensee must proceed as in section 119 of this Act provided.

1 Edw. VII,
c. 11, ss. 133, 134,
135 and 136,
repealed.

36. Sections 133, 134, 135 and 136 of said Act, except the illustration figures thereof marked Fig. No. 1, and
Fig.

Fig. No. 2, are repealed and the following sections are substituted therefor:—

133. The manner of staking out a mining claim shall be as follows:—

Manner of
staking.

- (a) By planting upon an outcropping or showing of ore or mineral in place within the boundaries of the claim a discovery post of wood or iron of the kind described in subsection 20 of section 2 of this Act, upon which shall be written or placed the name of the licensee who has made the discovery, the number of his license, and the date of his discovery, and if the discovery is made on behalf of another licensee then also the name of such other licensee and the number of his license; and
- (b) Planting at each of the four corners of the claim a post of wood or iron of the kind aforesaid, numbered as follows, namely; No. 1 at the north-east corner, No. 2 at the south-east corner, No. 3 at the south-west corner, and No. 4 at the north-west corner, numbering each post as aforesaid on the side of such post toward the post next following it in the order named; and
- (c) Writing or placing on No. 1 post all the particulars required as above to be upon the discovery post, and also plainly marking thereon the distance therefrom to the discovery post, and if the claim is situate in a township surveyed into lots, writing or placing thereon also the subdivision or part of the township lot comprised or intended to be comprised in the claim; and
- (d) Plainly blazing the trees, on two sides only, where there are standing trees and cutting the underbrush along the boundary lines of the claim, and plainly blazing a line from No. 1 post to the discovery post; or where there are no standing trees clearly indicating the outlines of the claim, and marking a line from No. 1 post to the discovery post, by planting durable pickets not less than five feet in height thereon at intervals of not more than two chains, or by erecting at such intervals monuments of earth and rock not less than two feet in diameter at the base and at least two feet high, so that the lines may be distinctly seen;
- (e) Provided that if one or more corners of the claim fall in any situation where the nature or conformation of the ground renders the planting of

of a post or posts impracticable such corner or corners may be indicated by planting at the nearest suitable point a witness post, which in that case shall contain the same markings as those prescribed herein for corner posts, together with the letters "W.P.," and an indication of the bearing and distance of the site of the true corner from such witness post.

Staking
promptly after
discovery.

134. After a discovery of valuable mineral is actually made as in section 132 of this Act described, the licensee shall, if he desires to stake a claim thereon, at once plant his discovery post and proceed as quickly as is in the circumstances reasonably possible to complete the staking of the claim, and if he is in fact the first licensee to make a discovery of valuable mineral and plant a discovery post thereon no other licensee shall be entitled to stake or interfere with the property while he is so proceeding to complete the staking, but if he fails to proceed with the staking with such diligence and speed as is in this section specified, he shall be liable to lose his rights in case another licensee makes a discovery of valuable mineral upon the property and completes the staking before him.

Prospectors to
have equal
rights till
discovery and
staking.

Exception.

Prospecting
pickets.

135.—(1) Prior to discovery of valuable mineral and planting a discovery post thereon, all licensees shall have equal rights upon lands open to prospecting, except that where a licensee has found what he believes to be a vein lode or deposit or to be an indication of mineral he may plant not more than 150 feet apart two pickets not less than four feet high to be known as prospecting pickets, each marked with the letters "P.P." and his name and license number, in which case such licensee shall dig a trench not less than six feet long and six inches deep from each of such pickets along the line running towards the other picket, or where it is impracticable to dig such trench or trenches he shall erect a monument of rock not less than two feet in diameter at the base and at least two feet high at a distance of six feet from each of the said pickets along the line running towards the other picket, and shall also blaze the standing trees, if any, along the line between the said pickets and as long as such licensee is diligently and continuously excepting only ordinary cessations for meals and over night and holidays, prospecting and working upon or following up indications between such pickets or on the block of land extending 25 feet on each side of a line between them, no other prospector shall be entitled to prospect or make a discovery upon such block of land.

(2) But the foregoing shall not prevent any licensee prospecting anywhere outside the limits of such block and the first licensee to discover valuable mineral in place and stake it shall, as in other cases, be entitled to the claim,
and

and as soon as any claim is staked which includes such picketed block the rights of such picketing licensee shall cease.

(3) No licensee shall have picketed at one time more than one such block, and if he has at any time more than one all such picketing of his shall be void. Only one picketing.

136.—(1) Any licensee who, no matter with what purpose or intent, plants or places any stakes, posts or markings not authorized by this Act upon any lands described in section 131 of this Act as being open to prospecting, or causes or procures the same to be done; and any person who stakes out or partially stakes out, whether authorized by this Act or not, any such lands or causes or procures the same to be done, and fails to record the same, or to complete and record the same, with the Mining Recorder as and within the time by this Act provided, shall not, subject to the next subsection, thereafter be entitled to again stake out the said lands or any part thereof or to record a claim thereon, or in any way to acquire any right or interest therein; Improper staking.

(2) Provided that if such licensee in the last subsection mentioned notifies the Mining Recorder in writing of such staking, partial staking or marking and of his abandonment thereof, and satisfies such Mining Recorder by affidavit that he acted in good faith in the matter and for no improper purpose, and if he pays to such Mining Recorder a fee of \$20 and procures from such Recorder a certificate in writing which must also be entered in the Recorder's books with date of its issue, stating that such Recorder is satisfied that he acted in the matter in good faith and for no improper purpose, he shall be relieved from the provisions of said last subsection. No future right in claim.

37. Section 139 of said Act is repealed and the following substituted therefor:— How may be relieved.

139. No more than three mining claims (including those staked in his own behalf by himself and those staked by any other licensee for him) may be staked out and recorded in behalf of one licensee in any Mining Division during the period covered by a license year. 6 Edw. VII., c. 11, s. 139, repealed.

38. Section 140 of said Act is repealed and the following substituted therefor:— Number of claims in a year.

140. The staking out of, or the filing of an application for, or the recording of a mining claim, or all or any of said acts or things combined, shall not confer, or be deemed to confer, upon any licensee any right, title, interest or claim whatsoever in or to the said mining claim, other than the right to proceed, as in this Act provided and according to 6 Edw. VII., c. 11, s. 140, repealed.

to the procedure, and before the officers and tribunals in this Act specified, for the obtaining of a Certificate of Record from the Mining Recorder and the grant of a patent or issue of a lease by the Crown; and prior to the issue and delivery of such a certificate of record the licensee shall be deemed to be no more than a licensee of the Crown, and after the issue and delivery of such certificate and prior to his obtaining a patent or lease from the Crown he shall be deemed to be a tenant at will of the Crown in respect of such mining claim.

6 Edw. VII.
c. 11, s. 141,
amended.
Working
permit
applications.

39. Section 141 of said Act is amended by striking out all the words between the word "area" in the second line thereof and the word "for" in the sixth line thereof and substituting the words "of any lands described in section 131 of this Act as being open to prospecting," and said section 141 is further amended by striking out the paragraphs thereof numbered respectively 1, 2, 3, 4, 5, 6, 7 and 8 and substituting therefor the following:—

Staking.

"1. By staking the corners and marking the boundaries of such area and placing numbers and particulars upon the posts in all respects as far as applicable as is provided in section 133 in respect of mining claims, omitting only what is in said section 133 provided in respect of discovery and discovery post, but the words "Working Permit applied for" shall be written on No. 1 post, and each post shall be notched with three rings of notches not less than a quarter of an inch deep, and not less than two inches apart, beginning about two inches from the top of the post.

6 Edw. VII.
c. 11, subs. 11,
amended.
Proofs.

And subsection 11 of said section 141 is amended by striking out all the words after the word "that" in the 14th line thereof and all the words in the 15th, 16th, 17th and 18th lines thereof, and substituting therefor the following: "at the time the area was staked out there was nothing on it to indicate that it was not open to be staked out for a working permit, and that the deponent knows of no reason why the application he is making for working permit is not valid, and that he verily believes the applicant is entitled under the provisions of this Act to make the said application."

6 Edw. VII.
c. 11, s. 141,
par. 13,
amended.
Complying
with 70 days
limit may be
excused.

40. Paragraph 13 of said section 141 is amended by adding at the end of the fourth line thereof the following: "Provided that in case the granting of such working permit is prevented by the recording of a mining claim after the property was staked out for the working permit or by any pending dispute, or by failure of the applicant after reasonable diligence to arrange any matter of surface rights' compensation, the Mining Recorder or the Mining Commissioner may, notwithstanding the lapse of said 70 days, order the granting of the working permit."

41. Said Act is amended by adding thereto the following sections:—

6 Edw. VII.
c. 11, amended.

144a. Decisions or orders of the Mining Commissioner in respect of any dispute or question regarding a working permit, or working permit application, or the area of land or mining rights included therein shall not be subject to appeal. (*See sec. 149.*)

Appeal in
working
permit cases.

144b. In case the holder of a working permit makes a discovery of valuable mineral upon the area of land included therein he shall be entitled to stake out and record a mining claim thereon in the same manner as if the said land had not been under working permit; and the necessary variations or exceptions, if any, may be made in the application or affidavit accordingly.

42.—(1) Section 145 of said Act is amended by adding thereto the following: “and such notice may be according to Form 8a in the appendix hereto.”

6 Edw. VII.
c. 11, s. 145,
amended.

Working
permit notice.

(2) Section 149 of said Act is amended by adding after the word “provisions” in the third line thereof the words “of sections 147 and 148.”

Working
conditions.

43. Section 156 of said Act is amended by striking out the words “except as in the next section provided” in the third and fourth lines thereof and substituting therefor the following: “or within the further time allowed by section 158 of this Act.”

6 Edw. VII.
c. 11, s. 156,
amended.

Time for
recording.

44. Section 157 of said Act is amended by striking out all the words between the word “specified” in the fourth line thereof and the word “upon” in the fifth line thereof:

6 Edw. VII.
c. 11, s. 157,
amended.

Affidavit on
filing mining
claim.

And said section 157 is further amended by striking out the words “the deponent has no knowledge and has never heard of any adverse claim by reason of prior discovery or otherwise” in the seventh, eighth and ninth lines thereof, and substituting therefor the following: “at the time of staking out the said mining claim there was nothing on the lands to indicate that they were not open to be staked out for a mining claim under this Act, and that the deponent verily believes they were so open and that the applicant is entitled under the provisions of this Act to be recorded for the claim.”

45. Section 159 of said Act is amended by adding the following subsection thereto:—

6 Edw. VII.
c. 11, s. 159,
amended.

(2) No licensee shall be entitled to any interest enforceable under this Act in any unpatented mining claim which is hereafter staked out and recorded under the provisions of this Act by or in behalf of another licensee unless the fact

What rights
enforceable
only when
writing signed.

fact that such licensee is to be entitled to an interest therein is made to appear, or the evidence to that effect is materially corroborated, by some writing signed by the licensee who staked and recorded such claim or by the licensee in whose behalf it was staked and recorded.

Limit of this provision.

And said section 159 is further amended by adding at the end of the last paragraph thereof the following:—
“nor shall any provision in this Act preventing enforcement of any remedy against a mining claim or mining interest relieve any licensee or other person from any personal liability or obligation at law whatsoever.”

6 Edw. VII.
c. 11, amended

46. Said Act is amended by adding thereto the following:—

“RECORDING ORDERS, JUDGMENTS AND CERTIFICATES OF
LIS PENDENS.

Recording orders and judgments

159b. (1) The Mining Recorder shall enter upon the record of any unpatented mining claim affected by any order or decision made by himself a note of such order or decision, giving its date and effect and the date of the entry of such note; and he shall also upon receiving, with the proper fee, an order or judgment of the Mining Commissioner, or an order or judgment in any appeal from him, or a certified or sworn copy thereof, file the same among the records of his office and enter a note thereof in the manner above described upon the record of any unpatented mining claim affected thereby.

Recording certificate of *lis pendens*.

(2) In any action or suit calling in question any interest in any unpatented mining claim, a certificate of *lis pendens* may be issued and shall upon receipt thereof by the Mining Recorder and payment of the proper fee be filed among the records of his office and noted as in the last subsection described upon the record of such mining claim.

Duration of certificate of *lis pendens*.

(3) Such certificate, and the filing or noting thereof, shall be of no effect for any purpose whatever after the expiration of ten days from the date of filing unless within that time an order is obtained from the Mining Commissioner continuing the same; and any person interested in such mining claim may at any time sooner apply to the Mining Commissioner for an order vacating such certificate so far as the said mining claim is concerned; Provided that if the Mining Commissioner is at the time absent from the county or district in which such mining claim is situated the County or District Judge thereof may make any order in this subsection mentioned and it shall have the same force and effect as if made by the Mining Commissioner.

47. Section 161 of said Act is amended by inserting after the word "shall" in the first line thereof the words "at the end of the three months and at the end of each year specified in section 160."

6 Edw. VII.
c. 11, s. 161
amended.

48. Section 162 is amended by adding at the end thereof: "but he may at any time inspect or order inspection of the work as in section 67 provided."

6 Edw. VII.
c. 11, s. 162,
amended.
Inspecting
work.

49. Section 163 of said Act is amended by striking out the word "each" in the last line thereof and substituting the word "all" therefor.

6 Edw. VII.
c. 11, s. 163,
amended.
Verbal change.

50. Section 164 of said Act is amended by inserting after the word "time" in the first line thereof "if the same is shorter than a year."

6 Edw. VII.
c. 11, s. 164,
amended.
Time for work.

51. The said Act is amended by striking out the section numbered 72 therein and inserting the same after section 164 therein as section 164a, and by striking out the section numbered 61 in the said Act and inserting the same after the said section 164a as section 164b, and by adding at the end of the said section 164b the words "whose decision shall be final."

6 Edw. VII.
c. 11, ss. 61, 72,
amended.
Performance
of work.

52. Section 167 of said Act is hereby repealed, and section 168 thereof is amended as follows, namely, by changing the number thereof from 168 to 167; and by substituting for the word "all" in the first line thereof "Subject as in section 168 hereof provided all," and by striking out all the words after "Commissioner" in the 2nd line of paragraph (b) thereof and substituting therefor: "Such licensee for any purpose of fraud or deception or for any improper purpose causes or procures to be removed any stake or post belonging to any staking of such mining claim, or if for any such purpose he changes or effaces or causes to be changed or effaced any writing or marking upon any such stake or post."

6 Edw. VII.
c. 11, s. 167,
repealed.
Forfeiture.

53. The following section is added to the said Act:

6 Edw. VII.,
c. 11, amended.

168.—1) Forfeiture and loss of rights may within thirty days after default be prevented in any case under paragraph (a) of section 167 by obtaining from the Mining Recorder of the Mining Division in which the claim is situate, a special renewal license, which shall be so marked, and which shall be issued only upon payment of three times the usual license fee, and in any case under paragraph (d) of said section, by filing a proper report and paying therewith a special fee of \$25, and in any case, where compliance with any requirement mentioned in section 167 has been prevented by litigation or by any other special cause not

Preventing
forfeiture by
obtaining
special renewal
license.

reasonably within the control of the licensee holder, the Mining Recorder may within thirty days after default, subject to appeal as in other cases, relieve from any forfeiture or loss of rights in said section mentioned.

Recording cancellation of claim.

(2) The Mining Recorder shall forthwith upon the lapse of said thirty days, and upon any other forfeiture or abandonment of or loss of rights in any Mining Claim, note the same upon the record of such claim and mark the claim, "cancelled."

6 Edw. VII. c. 11, ss. 165, 166 and 181, amended.

Prospecting permit.

54. Sections 165, 166, and 181 of said Act and Forms 22, the schedule of fees and any other parts of said Act, in which the term "Prospecting Permit" occurs, are amended by changing the term "Prospecting Permit," wherever it occurs therein, to "Boring Permit."

6 Edw. VII. c. 11, s. 182, amended.

Placer mining.

55. Section 182 of said Act is amended by inserting the words "natural stratum or" before the word "bed" in the 7th line thereof and by striking out the words "or gravel" in the 8th line thereof and substituting therefor the words "gravel or cement," and said section is further amended by adding at the end thereof the following "and all the provisions of this Act relating to mining claims shall apply as far as the same can be made applicable to placer mining claims, the words "a natural stratum, bed or deposit of gold or platinum bearing sand, earth, clay, gravel or cement, or of precious stones" being substituted for "valuable mineral" or "valuable mineral in place," and such other changes being made as the circumstances may require.

6 Edw. VII. c. 11, s. 58, amended.

56. The said Act is amended by adding the following section:—

Party walls between mining properties.

198a.—(1) In all mining operations hereafter there shall be left between all adjoining properties a party wall at least fifteen feet thick, being seven and one-half feet on each property) to the use of which the adjoining owners shall be entitled in common.

Party wall to be used as roadway.

(2) All parties shall be entitled to use such party wall in common as a roadway for all purposes, and such roadway shall not be obstructed by the throwing of soil, rock or other material thereon, or in any other way, and any one obstructing the same shall be liable in addition to any civil liability, to a penalty of \$10 and costs for every such offence, and \$10 per day for every day such obstruction continues.

Penalty for obstructing.

Owners may agree.

(3) Provided, however, that such adjoining owners may always agree, if they desire, to dispense with such party wall or roadway between their properties, and either or
any

any such adjoining owner may in any case apply to the Mining Recorder or the Mining Commissioner, each of whom is hereby empowered to make an order dispensing with such party wall or roadway, or providing for the working of any mineral thereon, or otherwise, as may seem just, which order shall be binding and conclusive, subject only to appeal as in this Act provided.

57. Section 214 of said Act is amended by inserting after the word "Act" in the third line thereof the words "concerning the regulations, rules or provisions for the working of mines."

6 Edw. VII,
c. 11, s. 214,
amended.
Consent to
prosecution.

58. Section 219 of said Act is amended by inserting after the word "shall" in the 4th line thereof the words "so far as the Legislative Assembly of this Province has power so to provide."

6 Edw. VII,
c. 11, s. 219,
amended.
Verbal change.

59. The schedule of fees to said Act is amended as follows:—

6 Edw. VII,
c. 11.

| | | |
|---|--------|-----------------|
| The first item is amended by reducing the fee to | \$5 00 | Change in fees. |
| The second item is repealed and the following is substituted therefor: For an individual miner's license issued on or after 1st October in any year | 3 00 | |
| The third item is amended by reducing the fee to | 5 00 | |
| The fourth item is amended by reducing the fee to | 10 00 | |
| The fifth item is amended by reducing the fee to | 20 00 | |
| The 6th, 7th, 8th and 9th items are each amended by inserting after the word "license" in the first line the words "or renewal thereof" and the following proviso is added to each of said items and to the 10th item "Provided that whenever such license is issued on or after 1st October in any year the fee shall be only half the full amount specified." | | |

The following proviso is added to the 10th item "Provided that in cases where the said authorized capital of any such company is over \$1,000,000 and it is by affidavit of the president or secretary thereof proven to the satisfaction of the Minister or Deputy Minister of Mines that any part of such capital is actually being used in some other business enterprise and not in mining business within the Province such part may be deducted in fixing the licensee fees herein provided for."

The

The 11th, 12th and 13th items are struck out and the following is substituted therefor:

| | |
|--|-------|
| “For recording each claim applied for on a license. (Secs. 156, 184)..... | 10 00 |
| The 17th item is amended by increasing the fee to | 10 00 |
| The 18th item is amended by increasing the fee to | 20 00 |
| The 19th item is amended by inserting after the word “transfer” the words “or agreement to sell and transfer the whole or part,” and changing the reference sec. 118 to sec. 159a..... | 3 00 |

The following items are added:—

| | |
|---|-------|
| For recording a dispute (Secs. 158a, 184)... | 10 00 |
| For recording an order or judgment of the Mining Commissioner or made on appeal from him (Secs. 159b, 184)..... | 1 00 |
| For recording a certificate of <i>lis pendens</i> (Secs. 159b, 184) | 10 00 |
| For receiving application for a working permit and giving certificate therefor (Secs. 141, 184) | 5 00 |
| For issuing working permit (Secs. 141, 184) | 5 00 |
| For renewal of working permit (Secs. 152, 184) | 1 00 |
| For inspecting any document filed with a Mining Recorder (Sec. 561) | 10 |
| For recording an incorporated company under section 186 | 1 00 |

Form of agreement to sell.

60. Form No. 4 of the appendix to said Act is amended by adding the following note at the end thereof: “(When the document to be recorded is an agreement to sell and transfer the necessary alterations may be made in this form).”

Affidavit for working permit.

61. Form No. 6 of the appendix to said Act is amended by striking out the last two lines of paragraph 1 thereof and substituting the following: “as accurately as I could reasonably ascertain the same, and all the other statements in said application are true and correct,” and said form is further amended by striking out paragraph 2 thereof and substituting the following:—

“2. That at the time of staking out the area described in said application there was nothing on said area to indicate that it was not open to be staked for a working permit, and I know of no reason why said application is not valid

Division, such Working Permit being for (*insert description of land*) and to run for six months from the day of the date of same.

Dated at this day of 190 .

Mining Recorder of Mining Division.

To be affixed to No. 1 post.

Form No. 14a. (See Sec. 158a, ss. 3.)

THE MINES ACT, 1906.

Department of Lands, Forests and Mines.

DISPUTE.

Complaint that Complainant Entitled.

To the Mining Recorder of Mining Division.

I, of the of
in the of
the holder of Miner's License No. hereby complain in
behalf of myself (or in behalf of holder of
Miner's License No.) as follows:—

That I am (or he is) entitled to (or to be recorded for) Mining
claim (or part of) No. recorded in the name of
, the lands in question in this com-
plaint being described as follows:—

The grounds upon which this complaint is made are as follows:—
(*State as clearly as possible*).

Dated this day of , 190 .

Signature of Disputant

Address for Service

Complaint that Recorded Claim Invalid.

To the Mining Recorder of Mining Division.

I, of the of
of in the of
the holder of Miner's License No. , hereby complain—

That Mining Claim No. recorded by
on lands known and described as

is invalid.

The reasons why said claim is invalid are as follows:— (*state fully*)

Dated this day of 190 .

Signature of Disputant

Address for Service

THE

THE MINES ACT, 1906.

Affidavit Verifying Complaint

County (or District of) }
To wit: }

I, _____ of the _____ of _____
in the _____ of _____, holder of Miner's
License No. _____, make oath and say:—

1. I am the licensee signing the complaint attached hereto.

2. I have personal knowledge of the matters in said complaint mentioned, and I swear that the statements therein set forth are true and correct in substance and in fact.

3. The said complaint is, as I verily believe, one that is justified according to *The Mines Act, 1906*, and amendments thereto, and the said complaint is not made for any improper purpose.

Sworn before me at _____ }
in the _____ }
of _____ this _____ }
day of _____ }

A.D. 190 _____
Mining Recorder of
Mining Division.

Form 16a. (See Sec. 75.)

NOTICE OF APPEAL TO THE MINING COMMISSIONER.

Pursuant to The Mines Act, 1906.

In the Matter of Mining Claim No. _____ (or as the case
may be) Lot _____ in the _____ Concession, in the
Township of _____ (or as the case may be)
Mining Division.

Take notice that (I) _____ of the _____
of _____ in the _____ of _____
holder of Miner's License No. _____, hereby appeal to the
Mining Commissioner from the decision (or act or refusal) of the
Mining Recorder given (or done) on the _____ day of _____
_____ 190 _____, wherein (or by which) he (state
briefly what is appealed against).

The grounds of objection to said decision (or act or refusal) are
(state briefly in what respect and why the decision (or act or re-
fusal) is claimed to be wrong).

Dated this _____ day of _____ 190 _____.

Name of Appellant
Address for Service

To the Mining Recorder of }
Mining Division. }
And to (names of adverse parties, if }
any). }

CHAPTER 14.

An Act to encourage the Refining of Metals in Ontario.

Assented to 20th April, 1907.

WHEREAS it is desirable to encourage the refining of nickel, cobalt, copper and arsenic ores within the Province;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Metal Refining Bounty Act*.

Payment of bounty to refiners.

2. The Treasurer of the Province may, under the authority of such regulations as may from time to time be made in that behalf by the Lieutenant-Governor in Council, pay in each year to the refiners of the metals or metal compounds hereinafter specified, when refined in the Province from ores raised and mined in the Province, a bounty upon each pound of such metal or compound so refined as follows:—

Nickel.

Class 1.—On refined metallic nickel or on refined oxide of nickel, 6 cents per pound on the free metallic nickel or on the nickel contained in the nickel oxide; but nickel upon which a bounty has already been paid in one form of product shall not be entitled to any further bounty in any other form; and the amount to be paid as bounty on the nickel products herein mentioned is not to exceed in all \$60,000 in any one year.

Cobalt.

Class 2.—On refined metallic cobalt or on refined oxide of cobalt, 6 cents per pound on the free metallic cobalt or on the cobalt contained in the oxide of cobalt; but cobalt upon which a bounty has already been paid in one form of product shall not be entitled to any further bounty in any other

other form; and the amount to be paid as bounty on the cobalt products herein mentioned is not to exceed in all \$30,000 in any one year.

Class 3.—On refined metallic copper or on refined sulphate of copper, $1\frac{1}{2}$ cents per pound on the free metallic copper or on the copper contained in the sulphate of copper; or on any copper product carrying at least 95 per cent. of metallic copper, one-half cent per pound; but copper upon which a bounty has already been paid in one form of product shall not be entitled to any further bounty in any other form; and the amount to be paid as bounty on the copper products herein mentioned is not to exceed in all \$60,000 in any one year. Copper.

Class 4.—On white arsenic, otherwise known as arsenious acid, produced from mispickel ores and not from ores carrying smaltite or niccolite or cobaltite, one-half cent per pound; but the amount to be paid as bounty on the arsenic compound herein mentioned is not to exceed in all \$15,000 in any one year. Arsenic.

(1) Provided, however, that if so much of any of the above-mentioned classes of refined products is refined in the Province in any one year that the amount hereby set apart in respect of the said class would be insufficient to pay the bounties herein provided therefor, then the bounty payable to the refiners of such class of refined products shall abate and be payable upon a pro rata basis so that not more than the maximum amount herein specified for any of the said classes shall be paid in respect of said class in any one year. When amount of bounty earned exceeds appropriation.

(2) Provided, also, that the bounties herein provided for shall cease and determine with the payment of any sum or sums which shall have been earned during the period of five years from the passing of this Act. Bounty to lapse at end of five years.

3. No person, firm or company shall be entitled to claim or receive any of the bounties in this Act provided for unless such person, firm or company shall have been at all times prepared and ready and willing, during the period for which the bounty is claimed, to smelt, treat and refine ores from which the same product as that on which the bounty is claimed can be produced, belonging to any other person, firm or company, at rates and on terms and conditions approved by the Lieutenant-Governor in Council, or shall have been ready to purchase such ores at rates approved by the Lieutenant-Governor in Council as current market rates. Conditions of bounty.

CHAPTER 15.

An Act respecting Cobalt Lake and Kerr Lake.

Assented to 20th April, 1907.

Preamble.

WHEREAS by virtue of a certain Order in Council, confirmed by an Act passed in the sixth year of His Majesty's reign, and Chaptered 12, Cobalt Lake, Kerr Lake and other lands were withdrawn from exploration for mines and minerals, and from sale, lease and location, and whereas the said Cobalt Lake and Kerr Lake and the lands covered by the waters of the same, together with all mineral rights thereon and thereunder, have been sold and patents therefor granted to the purchasers thereof; and whereas it is desirable that no question should be raised as to the right of the Crown to make such sales and that the title of the several purchasers should be confirmed;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sales of Cobalt
and Kerr Lakes
confirmed.

1. The said sales of Cobalt and Kerr Lakes and the lands covered by waters of the same, with the mineral rights and the patents therefor, are hereby confirmed and the fee simple absolute in the said lands and in all mines and minerals being and lying in or under the said lands and all mining rights therein and thereto are declared to be vested in the said purchasers respectively as and from the date of the said sales absolutely freed from all claims and demands of every nature whatsoever in respect of or arising from any discovery, location or staking.

Discoveries
and claims
prior to sales

2. Notwithstanding anything herein contained, all discoveries and claims if any made or arising prior to such sales shall be dealt with by the Lieutenant-Governor in Council as he may think fit.

CHAPTER 16.

An Act for the Improvement of Public Highways.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The sum of \$1,000,000 is hereby set apart to be paid \$1,000,000 appropriated for road improvements. out of the Consolidated Revenue Fund of the Province to aid in the improvement of public highways subject to the terms and conditions hereinafter set forth. 1 Edw. VII. c. 32, s. 1.

2.—(1) The county council of any county may by by-law adopt a plan for the improvement of highways throughout the county by assuming highways in any municipality in the county in order to form or extend a system of county highways therein, designating the highways to be assumed and improved and intended to form or be added to such system; and in case it may be impracticable to benefit all the townships in any county equitably by a system of county highways, such plan may provide for compensation to any township or townships which by reason of the location of such highways or of the unequal distribution of the expenditure thereon, may not benefit proportionately, by a grant of such specific amount or annual sum or both, to be expended in the improvement of the highways of such township or townships, as when so expended will make such plan equitable for the whole county. County by-law adopting system of road improvement.

(2) A plan adopted by the county council, under this section, may include the purchase of toll roads or freeing the same from toll. 1 Edw. VII., c. 32, s. 5. Plan may include abolition of toll roads.

(3) A county council may from time to time while carrying out a plan of road improvement under this Act, by by-law make grants to incorporated villages or towns not separated Grants to incorporated villages and towns.

rated from the county for the purpose of improving such highways or portions of highways in such villages or towns as may be designated in such by-law and which are extensions of, or form connections between different portions of county roads, but no such highways shall by reason of such by-law or of the expenditure of any such grant thereon be deemed to have been assumed by the county or to form part of the county system of highways, and any grant made under this subsection and approved of by the Minister of Public Works, shall be deemed to form part of the expenditure in carrying out a plan of road improvement in such county so as to entitle the county to share in the aid granted by this Act. 3 Edw. VII., c. 26, s. 7.

Regulations of
Public Works
Department.

(4) Every highway constructed or repaired in pursuance of a plan adopted by by-law approved by the Lieutenant-Governor in Council under this Act shall be constructed or repaired according to the regulations of the Public Works Department with respect to highways. 1 Edw. VII., c. 32, s. 6.

By-law may
be submitted
to ratepayers.

(5) It shall not be necessary for the county council to submit to the ratepayers any by-law for the borrowing of money for the purposes of this Act, but before the final passing of a by-law under this Act the county council may submit the same for the approval of the majority of the ratepayers of the county qualified to vote on money by-laws, but a by-law so submitted may be thereafter amended by the council in order to meet any requirements of the Department of Public Works, and need not by reason of any such amendments be again submitted to the ratepayers.

Approval of
by-law by
order in
council.

3.—(1) No county shall be entitled to receive any portion of the sum set apart by this Act until the by-law adopting a plan for the improvement of highways therein passed under the provisions of this Act, together with an estimate of the cost of the proposed work, has been approved by the Lieutenant-Governor in Council. 3 Edw. VII., c. 27, s. 4.

Minister may
obtain report
on work.

(2) Upon the application of any county council for the approval of a by-law under this Act, the Minister of Public Works may obtain such report upon the plan adopted by such county council as he may deem necessary and may hear any township council which may be dissatisfied therewith before presenting such application for consideration of the Lieutenant-Governor in Council.

Payments to
county out of
appropriation.

4.—(1) When a plan of road improvement adopted by by-law, approved by the Lieutenant-Governor in Council under this Act has been carried out, or at any time

time during the progress of the work, the county council may submit to the Department of Public Works a statement setting forth the expenditure to date in carrying out the said plan, including all payments of grants authorized by this Act, together with the declaration of the treasurer of such county that such statement is correct and also the report of the county engineer or road superintendent that such work is in accordance with the regulations of the Department of Public Works, and on the receipt of such statement and certificate by the Provincial Treasurer, certified and approved by the proper officer of the Department of Public Works, the Lieutenant-Governor in Council may direct the payment to such municipal corporation out of the fund set apart under this Act of a sum equal to one-third of the amount of such expenditure. 6 Edw. VII., c. 43, s. 2.

5. The council of any union of counties which has passed a by-law under this Act designating the roads to be improved within the united counties after such by-law has been approved by the Lieutenant-Governor in Council may with the consent of two-thirds of the representatives of any county in the union by by-law apportion the amount to be expended in any year in such county and may provide that the amount so to be expended shall be raised by special rate upon the property liable to taxation in such county, or with the like consent the council of the united counties may by by-law provide for the issue of debentures for the amount to be expended and may declare that such debentures shall be a charge upon the property liable to taxation in such county, and that the amount required to be raised annually for principal and interest of any debt so created shall be levied and collected in each year during the currency of the said debentures by an annual special rate upon the property liable to taxation in such county. 6 Edw. VII. c. 43, s. 3.

Work in united counties.

6. The municipal council of any county taking advantage of this Act, may raise by debentures, payable in thirty years, as provided by *The Municipal Act*, such sums of money as may be necessary to meet any expenditure on highways under this Act, but in no case shall the debentures issued under this Act exceed two per cent. of the equalized assessment of the county. 1 Edw. VII. c. 32, s. 9; 2 Edw. VII. c. 12, s. 27 (1).

Issuing debentures for expenditure in highways.

7. The council of any township may by by-law direct that the statute labour for which lands fronting on roads in such township constructed or repaired under this Act may from year to year be liable may be commuted, and the amounts so received may be paid over to the county and applied in repairing such roads and in removing snow therefrom and keeping the same open during the winter months. 5 Edw. VII. c. 27, s. 2.

Statute labour application of upon roads aided.

Aid to county where road system established prior to 1 Edw. VII., c. 32.

8. Where before the passing of this Act the council of any county had established a system of county roads approved by the Lieutenant-Governor in Council as provided by *The Act for the Improvement of Public Highways*, such system of county roads shall be deemed to be within the meaning and intent of this Act. 3 Edw. VII. c. 26, s. 6.

Intersection of other highways by county road.

9. Wherever a county road intersects a highway which is not a county road the continuation of the county road to its full width across the road so intersected, including the bridges and culverts thereon or touching thereon, shall be a part of the county road system. 3 Edw. VII. c. 26, s. 8.

County council not liable for sidewalks on county roads.

10. A county council shall not be liable for the building, maintenance or repair of sidewalks on any county road or portion thereof. 3 Edw. VII. c. 26, s. 9.

Counties to have powers as to snow fences. Rev. Stat. c. 240.

11. The county council shall in respect to county roads have all the powers given to townships, cities, towns and incorporated villages under *The Act respecting Snow Fences*. 3 Edw. VII. c. 26, s. 10.

Roads in respect of which aid granted to be county roads.

12. Except as in subsection 3 of section 2 of this Act otherwise provided, all roads constructed or repaired under this Act, and for the construction or repair of which aid may hereafter be granted out of the fund set apart under this Act, shall thereafter be deemed to be county roads and shall be maintained and kept in repair by the corporation of the county in which such roads are situate. Provided that after three years subsequent to the construction and completion of the county system of roads, the County Council may with the approval of two-thirds of the minor municipalities in the County expressed by by-law declare that such system of County roads shall on the 1st day of January following, revert to the local municipalities in which the same are situate, and such roads shall thereafter be maintained as township roads. 5 Edw. VII. c. 27, s. 4.

1 Edw. VII., c. 32 and amendments repealed.

13. The Act passed in the first year of His Majesty's reign, Chaptered 32, and the amendments thereto, are repealed and the foregoing provisions are substituted therefor.

CHAPTER 17.

An Act respecting Colonization Roads.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Grants may be made of such sums as may be voted for that purpose from time to time by the Legislature for the construction or repair or to aid in the construction or repair of such main or leading colonization roads as may be deemed necessary in any unsurveyed or unorganized portions of the Province, or in organized townships where roads are required to give access through unoccupied or sparsely occupied districts, or through districts unfit for cultivation or settlement, and such other roads as the Legislature upon the recommendation of the Minister of Public Works deem necessary for the proper settlement and development of that portion of Ontario referred to in section 2 of this Act.

Grants for
colonization
roads.

2. The council of any municipality comprising one or more townships or a portion of a township or portions of one or more townships in any provisional judicial district or in the provisional county of Haliburton, and the council of any township or union of townships in that portion of Ontario in which money is being expended in the building of colonization roads, may prepare and approve a by-law or by-laws designating any highway or highways in the municipality as highways to be improved under this Act, stating the amount to be expended for each of such, but such by-law shall not be finally passed until the same has been submitted to the Minister of Public Works and approved of by him.

Township
by-law designating
highways.

3. Upon the report and recommendation of the Minister of Public Works approving of such by-law, the Lieutenant-Governor in Council may direct that any sum being not less than one-third and not more than two-thirds of the estimated

Amount of
grant.

estimated

estimated cost of the work may be paid to the municipality out of any appropriation made by the Legislative Assembly for that purpose.

Supervision
and inspection.

4. Any work undertaken under section 1 of this Act shall be carried out under the supervision of an inspector approved by the Minister of Public Works for that purpose, and shall conform to the prescribed regulations by the Public Works Department.

Payment of
grant.

5. Upon the completion of any work of road improvement in pursuance of a by-law approved by the Lieutenant-Governor in Council under this Act or at any time during the progress of such work, the council of the municipality undertaking such work may submit to the Department of Public Works a statement setting forth the cost of such work to date, together with the declaration of the treasurer of such municipality that such statement is correct, and also the report of the inspector of the municipality that such work is in accordance with the regulations of the Public Works Department, and on receipt of such statement and certificate by the Provincial Treasurer, certified and approved by the proper officer of the Public Works Department, the Lieutenant-Governor in Council may direct the payment to such municipal corporation out of the funds appropriated for such purpose of a sum not less than one-third and not more than two-thirds of the amount of such cost.

Townships may
contribute
labour.

6. The proportion of the cost to be borne by any township or union of townships receiving aid under this Act may be paid in money, or may with the approval of the Minister of Public Works, be contributed in labour or partly in money and partly in labour, estimated at the rate of two dollars for a day of ten hours of faithful work, by each man employed, and four dollars a day of ten hours faithful work for a man and team, but all such work shall be done under the control and to the satisfaction of the Inspector in charge of the work and shall be certified by him.

Money to be
voted by the
Legislature.

7. The moneys required to meet any expenditure under this Act shall be paid by the Provincial Treasurer to the persons entitled thereto upon the recommendation of the Minister of Public Works out of such money as may be from time to time voted by the Legislature for that purpose.

Petitions not
later than
September 1st.

8. All petitions for work under this Act, the cost of which is to be paid in whole or in part by the Province and voted by the Legislature at its next session, must be submitted to the Department of Public Works, not later than the first day of November next preceding such session.

CHAPTER 18.

An Act to amend and consolidate the law respecting The Temiskaming and Northern Ontario Railway.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Temiskaming and North- Short title.
ern Ontario Railway Act.*

2. The Lieutenant-Governor in Council may from time to time appoint not less than three, nor more than five persons who shall constitute a Board of Commissioners who shall subject to any direction of the Lieutenant-Governor in Council have charge of the construction and operation of the railway to be constructed and operated under the provisions of this Act, and the said Board of Commissioners shall be a body corporate under the name of "The Temiskaming and Northern Ontario Railway Commission," hereinafter referred to as the Commission, and a majority of the persons so appointed shall form a quorum for the transaction of any business of the Commission, and the Commissioners shall hold their respective offices as members of the Commission during the pleasure of the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may, upon the death, resignation or removal from office of any such persons respectively, and from time to time thereafter appoint other persons to fill their places during pleasure as aforesaid, and the Lieutenant-Governor in Council may from time to time designate one of the Commissioners to be chairman of the Board.

3. Each of the commissioners shall receive his actual disbursements in discharging his duties in addition to which the chairman shall receive an honorarium at the rate of \$3,500 per annum, and each of the other commissioners an honorarium at the rate of \$1,000 per annum.

11 s.

4.

Location of
railway.

4. The Commission shall subject to the approval and to any direction of the Lieutenant-Governor in Council have authority to construct and operate a continuous line of railway of the gauge of four feet eight and one-half inches extending from a point at or near Lake Nipissing to a junction with the National Trans-continental Railway, together with such spurs or branches as may be necessary not exceeding 20 miles in length in any one place together with electric telegraph and telephone line or lines, through and along the whole line of said railway, and its branches and such works as may be necessary for the efficient and convenient operation of said railway, and subject as aforesaid shall have authority to do all matters and things necessary to carry out the intentions and objects of this Act.

Approval of
acts of Com-
mission by
Lieutenant-
Governor
in Council.

5. The location of the line of said railway, and of all branches, and the plans of all works proposed, and all tariffs or rates proposed to be charged for passengers and goods transported upon the said railway, and all by-laws of the corporation shall be subject to the approval of the Lieutenant-Governor in Council.

Agreements
with railway
companies.

6. The Commission may subject to the approval and to any direction of the Lieutenant-Governor in Council enter into agreements with other railway companies to provide and secure such reciprocal running powers, traffic arrangements and other rights over and in respect of such railways, and the railway to be constructed under the provisions of this Act as will afford to such other railways, and to the railway to be constructed under the provisions of this Act reasonable and proper facilities for mutually exercising such running powers, fair and reasonable traffic arrangements with other railways and equitable mileage rates between said railway and all other railways but any lease by the Commission of the railway to be constructed under the provisions of this Act shall be subject to ratification by the Legislature of Ontario, provided that no such ratification shall be necessary of any lease made with the approval of the Lieutenant-Governor in Council of any spur or branch not exceeding 10 miles in any one place.

Motive power.

7. The Commission may with the approval of the Lieutenant-Governor in Council operate the said railway or any section thereof by electricity or by any other motive power.

Power houses,
elevators,
docks, vessels,
etc.

8. The Commission may purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and sell and convey such land as may be found superfluous for any such purpose, and the Commission shall have power to hold and operate as part of the property of the Commission as many steam or other vessels as the Commission may deem requisite from time to time to

11a s.

facilitate

facilitate the carriage of passengers, freight, and other traffic in connection with the railway.

9. The Commission may erect and maintain all necessary and convenient buildings, stations, depots, wharves, and fixtures, and from time to time may alter, repair or enlarge the same and may purchase and acquire motors, engines, carriages, wagons and other machinery, and contrivances necessary for the working of the railway, and the accommodation, and use of the passengers, freight and business of the railway.

Buildings and rolling stock for railway.

10. The Commission may, subject to the approval of the Lieutenant-Governor in Council, construct, maintain and operate works for the production of electricity, or other motive power for the said railway, and for lighting and heating the rolling stock and other property of the railway, and may from time to time sell or lease any such electricity or other motive power not required for the purposes aforesaid to any person or corporation, and may acquire and hold any property necessary for such purposes.

Works for the production of electricity.

11. The Commission may acquire the right to convey and transmit electric or other power required for the working of the railway, and lighting or heating the same over, through or under lands other than the lands of the Commission, and may purchase or otherwise acquire the right to lay conduits under, or erect poles or wires on or over such lands as may be determined by the commission, and along and upon any of the public highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires for such lines, or the conduits for such electricity or other power upon and subject to such agreement in respect thereto as shall first be made between the Commission and any private owners of the lands affected.

Works for transmission of power.

12. The Lieutenant-Governor in Council may by Order in Council transfer to the Commission so much of any of the ungranted lands of Ontario as is shewn by the report of the engineer appointed under the provisions of this Act to be required for the said railway, or for convenient and necessary right of way, sidings, yards, stations, or for the supply for the purposes of the railway of stone, gravel, earth, sand, or water or for other purposes for use in connection with the said railway and works, and registration of a certified copy of any such Order in Council, in the registry office or office of land titles, as the case may be for the registry district in which the lands are situate shall be deemed to vest, and shall vest in the said Commission as trustee for the Province, the lands described in such Order in Council.

Transfer of Crown lands to Commission.

Order in Council of 24th January, 1906, confirmed and lands described therein vested in Commission.

13. The order of the Lieutenant-Governor in Council of the 24th day of January, 1906, vesting in the Commission certain lands, and lands covered with water in the District of Nipissing, and therein described by metes and bounds is confirmed, and it is declared that the said order was intended to vest, and did vest in the said Commission as and from the passing of the Act of the Legislature, passed in the 2nd year of His Majesty's reign, Chaptered 9, the fee simple in the said lands, and all mining rights therein and thereto absolutely freed from all claims and demands of every nature whatsoever in respect of or arising from any lease or patent of any mining lands or mining location at any time granted.

Engineer, accountant and other officers.

14. The Commission may from time to time subject to the approval of the Lieutenant-Governor in Council appoint an engineer, and an accountant for the said railway and works, and such other officers and employees as may be necessary for the proper conduct of the business of the Commission, and subject as aforesaid may prescribe their duties and fix their remuneration.

Security to be given by officers.

15. Any person entrusted by the Commission with the custody or control of moneys by virtue of his employment shall give security in the manner and form provided by *The Act respecting Public Officers*.

Rev. Stat. c. 16.

General powers of Commission.

16. The Commission shall have in respect of the said railway and works, in addition to all the powers, rights, remedies and immunities conferred by this Act, all the powers rights, remedies and immunities conferred upon any railway company by *The Railway Act of Ontario, 1906*, or by any general Railway Act of the Province of Ontario, for the time being in force, but save as aforesaid *The Railway Act of Ontario, 1906*, or any other general Railway Act as aforesaid shall not apply to the said railway, or be binding upon the Commission.

6 Edw. VII. c. 30.

Supplies and rolling stock to be purchased in Canada.

17. The said railway shall as far as practicable be constructed, equipped and operated with railway supplies and rolling stock made, purchased, or procured in Canada, provided such railway supplies and rolling stock can be obtained as cheaply, and upon as good terms in Canada as elsewhere, having regard to quality and price.

Employment of aliens in construction prohibited.

18. No person shall be employed in the construction of the said railway and works in contravention of *The Alien Labour Act*, or the provisions of any general Railway Act of Ontario, respecting the employment of alien labour.

Current rate of wages to be paid.

19. The workmen, labourers and servants employed in or about the construction and operation of the said railway
and

and works shall be paid such rates of wages as may be concurrently payable to workmen, labourers and servants engaged in similar occupations in the districts in which such railway and works are constructed and operated.

20. The Lieutenant-Governor may from time to time by Order in Council transfer to the commission for town sites, portions of the ungranted lands of Ontario, along the line of railway adjacent to stations or proposed stations, and the registration of a certified copy of any such Order in Council in the registry office, or office of land titles as the case may be for the registry districts in which the lands are situate shall be deemed to vest, and shall vest in the Commission as trustee for the Province, the lands described in any such Order in Council, and the Commission may for the same purpose from time to time acquire other lands so situate by the same means as it is authorized to acquire land for right of way and station ground, and shall have all the rights and powers with reference to the acquisition thereof by expropriation or otherwise as it has with reference to the acquisition of lands for right of way, which lands acquired for town sites, shall not, however, exceed 1,000 acres for any one site, and the Commission may from time to time lay out, sell, lease, or otherwise dispose of any part of the said lands as it may think proper, and may take mortgages or other securities for any unpaid purchase money.

21. The Commission shall be deemed to have authority with the approval of the Lieutenant-Governor in Council, from time to time to sell, lease, or otherwise deal with mines, minerals and mining rights, upon or under any portion or portions of the right of way, or of the town sites vested, or to be vested in the Commission.

22. A separate account to be called "The Temiskaming and Northern Ontario Railway Account," shall be kept in the Treasury Department of the Province of Ontario, of all receipts and expenditures on account of the construction of the said railway, and of the interest paid during such construction.

23. The laying out whether by plan or otherwise, or the dedication in any manner of any lands within any such town site as or for public streets or highways shall not be deemed to revest in the Crown, or to vest in the municipality in which such town site is situate any mines, minerals or mining rights theretofore granted by the Crown to the Commission, or to any other person, firm or corporation on or under any such lands so laid out or dedicated, but the Commission or such other grantees of the mines, minerals and mining rights on or under the lands so laid out or dedicated shall have the right from time to time to carry on mining

mining operations on or under such lands or to sell, lease or otherwise deal with the mines, minerals and mining rights on or under such lands subject however to the obligation of all parties actually conducting mining operations on or under any such lands whether as owners, lessees, or otherwise to conduct such mining operations in such way as shall not interfere with public travel upon such streets and highways.

Plans to be submitted before mining under highways.

24. No such mining operations shall at any time be begun or carried on upon or under any lands so laid out or dedicated as public streets or highways until after the person or persons, firm or corporation whether as owners, lessees or otherwise proposing to carry on such mining operations shall have submitted to the council of the municipality in which said streets or highways are situate, proper plans of such proposed mining operations with all necessary specifications and details, nor until after such plans shall have been approved in writing by the engineer of such municipality, or an engineer appointed by the municipality for that purpose, and may thereafter be carried on in strict conformity to such plans and not otherwise.

Application of proceeds of loans of \$7,000,000 and \$3,000,000.

25. The proceeds of the loan of \$7,000,000 authorized by the Act passed in the 5th year of the reign of His Majesty King Edward VII. intituled, *An Act for raising money on the credit of the Consolidated Revenue Fund of Ontario*, and the proceeds of the loan of \$3,000,000 authorized by the Act passed in the 6th year of His Majesty's reign intituled *An Act for raising money on the credit of The Consolidated Revenue Fund of Ontario*, shall be placed to the credit of the said account, and the Lieutenant-Governor in Council may advance to the credit of the said account out of the Consolidated Revenue Fund of the Province of Ontario, such moneys as may be required for the construction of the said railway on such terms as may be decided on by the Lieutenant-Governor in Council.

Expenditure chargeable to special account.

26. All expenditures on account of construction, including interest paid on capital account during construction, and the cost of redeeming treasury bills or other securities heretofore issued for the purpose of raising money for construction purposes shall be charged against the said account.

Payments out of appropriation to credit of account.

27. The Lieutenant-Governor in Council may by Order in Council direct that such portions of the sums hereinbefore appropriated to the construction of the said railway as may be required from time to time by the Commission for construction purposes on monthly or other estimates may be placed to the credit of the said Commission in the said account.

28. The income of the Commission from the said railway, and all moneys received by it in respect of any sale, lease or other disposal of lands in said town sites, and all moneys received by it in respect of the sale or lease of any mines, minerals or mining rights, including all rents, renders and royalties shall be applied as follows: to the necessary operating expenses of said railway, and of all works necessary to the preservation, improvement and maintenance of the said railway, and to the protection of the rights of the Commission in said town sites, and mines, minerals and mining rights, and to the payment of the remuneration and expenses of the Commission, and the salaries of officers and others employed by the Commission, and other incidental expenses and the surplus from time to time then remaining shall be paid over by the Commission to the Treasurer of Ontario at such times, and in such manner as the Lieutenant-Governor in Council shall direct, and the same shall thereupon form part of the Consolidated Revenue Fund of the Province.

Application of receipts of Commission.

29. The Commission shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid, and of the several purposes for which the same were received and paid, which books shall at all times be open to the inspection of any member of the Commission and of the Treasurer of Ontario, and of any person appointed by the Commission or Treasurer for that purpose, and of any other person appointed by the Lieutenant-Governor and any member of the Commission, and any of the persons aforesaid may take copies of or extracts from said books.

Accounts to be kept by Commission.

30. Sections 24 to 27 of *The Act to provide for the better Auditing of the Public Accounts of the Province* shall apply thereto to the accounts of the Commission in respect of receipts and expenditures.

Application of Rev. Stat. c. 23, ss. 24-27.

31. The Commission shall make an annual report for the information of the Legislature setting forth the receipts and expenditures of the year, and such other matters as may appear to them to be of public interest in relation to the said railway or works, or as the Lieutenant-Governor in Council may direct.

Annual report.

32. No member of the Commission, nor any officer or employee thereof shall make or enter into any contract with the Commission, nor be pecuniarily interested directly or indirectly in any contract or work in regard to which any portion of the moneys under the control of the Commission is being or is to be expended.

Members of Commission, etc., not to be interested in contracts.

33. Section 3 of this Act shall be deemed to come into force as from the first day of November, 1906.

Section 3 to be in force from 1st November, 1906.

Actions not to be brought without consent of Attorney-General.

34. No action shall be brought against the Commission or against any member thereof for anything done or omitted in the exercise of his office without the consent of the Attorney-General of Ontario.

Repeal of 2 Edw. VII. c. 9 and amendments thereto.

35. *The Temiskaming and Northern Ontario Railway Act* passed in the 2nd year of His Majesty's reign, Chaptered 9; the Act passed in the 3rd year of His Majesty's reign, Chaptered 4; the Act passed in the 4th year of His Majesty's reign, Chaptered 7; the Act passed in the 5th year of His Majesty's reign, Chaptered 10, and the Act passed in the 6th year of His Majesty's reign, Chaptered 14, are repealed and the provisions of this Act are substituted for the said *Temiskaming and Northern Ontario Railway Act* and the said subsequent Acts.

CHAPTER 19.

An Act to provide for the Transmission of Electrical Power to Municipalities.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Power Commission Act*. Short Title.
2. For the purposes hereinafter mentioned, the Lieutenant-Governor in Council may from time to time appoint a Commission of three persons, two of whom may be members and one of whom shall be a member of the Executive Council, and The Commission shall be a body corporate under the name of "The Hydro-Electric Power Commission of Ontario," hereinafter called "The Commission." Appointment of Hydro-Electric Power Commission.
6 Edw. VII. c. 15, s. 1.
3. The Lieutenant-Governor in Council may appoint one of the members to be Chairman of The Commission. Two members shall form a quorum. Chairman Quorum. 6 Edw. VII. c. 15, s. 2.
4. Every person appointed to The Commission shall hold office during pleasure, and the Lieutenant-Governor in Council, upon the death, resignation or removal from office of any member of The Commission, may appoint some other person to fill his place. Tenure of office. Vacancies. 6 Edw. VII. c. 15, s. 3.
5. The members of The Commission other than a member of the Executive Council shall be paid out of such moneys as may be voted by the Legislature for that purpose such salary or other remuneration as may be fixed by the Lieutenant-Governor in Council. Salaries. 6 Edw. VII. c. 15, s. 4.
6. The Commission may appoint a Chief Engineer, an Accountant, and a Secretary, and such other engineers, accountants, officers, servants and workmen as may be deemed Appointment of officers by Commission.

deemed requisite. The salaries or other remuneration of the persons so appointed shall be fixed by The Commission subject to the ratification of the Lieutenant-Governor in Council and shall be payable out of such moneys as may be voted by the Legislature for that purpose. 6 Edw. VII. c. 15, s. 5.

Report of
Commission as
to acquiring
works, etc.

7. The Commission may from time to time, report to the Lieutenant-Governor in Council, designating the lands, waters, water privileges or water powers or the lands, works, machinery and plant, or portion thereof of any corporation or person owning, or holding under lease or otherwise, or developing, operating or using a water privilege or water power, or transmitting electrical or other power or energy in Ontario which in the opinion of The Commission, should be purchased, acquired, leased, taken, expropriated, developed, operated or used by The Commission for the purposes of this Act, or designating the quantity of the product of any corporation or person generating electrical power or energy in Ontario or bringing such power or energy into Ontario for use or transmission therein which The Commission requires for the purposes of this Act. 6 Edw. VII. c. 15, s. 11.

Authority may
be given to
Commission.

8. The Lieutenant-Governor in Council, upon the report of The Commission recommending the same, may authorize the Commission:—

To acquire
lands and
works.

(a) To acquire by purchase, lease or otherwise, or without the consent of the owners thereof or persons interested therein to enter upon, take and use the lands, waters, water privileges, water powers, works, machinery and plant of any corporation or person owning, holding under lease or otherwise or developing, operating or using the same for generating or adapted for generating electrical power or energy or for the transmission thereof in Ontario; and to develop and use the same for any of the purposes of this Act;

Plant and
property of
transmission
Companies.

(b) To construct, maintain and operate, and to acquire by purchase, lease or otherwise, or without the consent of the owners thereof or persons interested therein to enter upon, take, and use, all erections, machinery, plant, and other works and appliances for the transmission and supply of electrical power or energy, and to conduct, store, transmit and supply electrical power or energy for the purposes of this Act and with lines of wires, poles, conduits, motors or other conductors or devices to receive, conduct, convey, transmit, distribute, supply or furnish such electrical power or energy to or from
any

any corporation or person at any place through, over, under, along or across any lands, public highway, bridge, viaduct, railway, waters or watercourse, and through, over or under the lands of any corporation or person, and to enter upon any lands upon either side of such lines or conduits and fell or remove any tree or limb thereof, or obstruction, which, in the opinion of The Commission, it is necessary to fell or remove;

- (c) To contract with any corporation or person generating, transmitting or distributing electrical power or energy or proposing so to do to supply electrical power or energy to The Commission; and to require any corporation or person generating, transmitting or distributing electrical power or energy to supply so much thereof as The Commission may require.

Contracting
for supply of
power to
Commission.

9. Whenever The Commission is authorized by the Lieutenant-Governor in Council to exercise any of the compulsory powers mentioned in section 8, The Commission in respect thereof shall have the powers and shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of the Province, and the provisions of the said Act shall *mutatis mutandis* apply.

Powers of Com-
mission as to
expropriation;
how exercised.

Rev. Stat.
c. 37.

10. The compulsory powers conferred by this Act shall extend to lands, works, rights, powers, privileges and property notwithstanding that the same are or may be deemed to be devoted to a public use or that the owner thereof possesses the power of taking lands compulsorily. 6 Edw. VII. c. 15, s. 22.

Extent of
powers of
expropriation.

11. Whenever required by the Lieutenant-Governor in Council so to do, The Commission shall enquire into, examine and investigate water powers or water privileges in Ontario and report upon the value and capacity thereof, with such other information as the Lieutenant-Governor in Council may require. Every report of The Commission shall be laid before the Legislative Assembly at its next ensuing session. 6 Edw. VII. c. 15, s. 20.

Commission to
report on water
powers, etc.,
when required

12. Any municipal corporation may apply to The Commission for the transmission and supply to the corporation of electrical power or energy for the use of the corporation and the inhabitants of the municipality for lighting, heating and power purposes or for any or either of such purposes or for any of the purposes mentioned in section 14, and The Commission shall thereupon furnish to the corporation a statement of the maximum price per horsepower at which

Application to
Commission
for supply of
power to
municipal
corporation.

which the electrical power or energy will be supplied at the point of development or of its delivery to The Commission and an estimate of the cost of constructing or providing a transmission line by means of which the amount of electrical power or energy required by the corporation is to be supplied and of maintaining the same, and may furnish to the corporation plans and specifications of the works, plant, machinery and appliances necessary for the distribution of such power or energy by the corporation and an estimate of the cost thereof, and such other information as The Commission may deem advisable. The Council may thereupon enter into a provisional contract with The Commission for the supply of electrical power or energy for the purposes mentioned in this Act.

Submission of provisional contract to ratepayers.

13.—(1) The provisional contract shall not be binding upon the corporation unless and until a by-law approving the same has been submitted to and has received the assent in accordance with the provisions of *The Consolidated Municipal Act, 1903*, of the electors qualified to vote on by-laws for creating debts, and the estimates of The Commission or a summary thereof and a copy of the provisional contract shall be published with or form part of the by-law.

Execution of contract.

(2) After the provisional contract has received the assent of the electors and has been executed by the corporation and approved by the Lieutenant-Governor in Council, The Commission may carry out and execute the same and shall have power and authority to do all acts necessary for that purpose.

Powers of contracting municipality as to supplying light, heat and power.

14 —(1) In addition to the powers conferred by this Act, a municipal corporation which has entered into a contract with The Commission for the supply of electrical power or energy shall have and may exercise in respect of such power or energy all the powers which are by *The Municipal Light and Heat Act* or *The Consolidated Municipal Act, 1903*, conferred upon corporations in respect to light and heat, and all the powers which are conferred upon corporations by the said last mentioned Act for contracting debts for any purpose within the jurisdiction of the council thereof and also the power to expropriate land, making compensation therefor, under the provisions of the said last mentioned Act.

Submission of money by-laws with contract.

(2) The Council of a municipal corporation, if they shall see fit, may submit a by-law for raising the money required for any of the purposes mentioned or referred to in subsection 1, at the same time as the provisional contract is submitted to the electors under the provisions of section 13.

Supplying power outside of municipality.

(3) A municipal corporation which has entered into a contract with The Commission under this Act may from time

time to time, with the approval of The Commission, contract with any other municipal corporation or with any person or corporation for the supply or distribution of electrical power or energy in any other municipality, and such other municipal corporation shall have authority to enter into the contract; but a municipal corporation shall not exercise the power conferred by this section in another municipality without the consent of the council thereof.

15. For greater certainty it is hereby declared that clauses lettered (a) to (a9), both inclusive, following paragraph 4 of section 566 and sections 567a and 567b of *The Consolidated Municipal Act, 1903*, shall not apply to any municipal corporation which has entered into a contract with The Commission or to any by-law which shall be submitted to the electors under the provisions of this Act. 3 Edw. VII., c. 19, s. 566, par. 4. clause (a)-(a 9) and sections 567a and 267b not to apply.

16.—(1) The Commission may, subject to the approval of the Lieutenant-Governor in Council, contract from time to time with a railway company or a distributing company or with any other corporation or person for the supply of electrical power or energy. Supplying power to railways and distributing companies.

(2) Any net profit made by The Commission in supplying power under the next preceding subsection after making provision for the cost of acquiring or constructing and of maintaining the works by means of which the power or energy is supplied, shall be applied in payment of the cost of maintaining the works acquired or constructed and operated by The Commission. Profits to be applied in reducing cost of maintenance to municipalities.

(3) The Commission may, from time to time, with the approval of the Lieutenant-Governor in Council, contract with a railway company or power or transmission company for the use of its right of way and property for the erection of works and other constructions for transmitting electrical power or energy. Agreements for use of right of way of railway companies. 6 Edw. VII. c. 15, s. 9.

17. The expenditure of The Commission upon any works, undertaken under the provisions of this Act, shall be repayable to the Commission by the municipal corporations which have entered into contracts with The Commission. Cost of works to be borne by municipalities. 6 Edw. VII. c. 15, s. 14.

18. In addition to the price per horse power payable by any municipal corporation under the terms of a contract entered into with The Commission, which shall be the cost of the power to The Commission at the point of development, or of its delivery to The Commission, the corporation shall annually pay to The Commission its proportion as adjusted by The Commission of the following charges:— Additional annual payments.

(a) Interest at the rate of 4 per cent. upon the moneys expended by The Commission on capital account in the construction or purchase of the works.

(b)

(b) An annual sum sufficient to form in thirty years a sinking fund for the retirement of the securities issued by the Province under this Act for the payment of the cost of the works; and

(c) Line loss and the cost of operating, maintaining, repairing, renewing and insuring the works.

Apportionment
of amounts
payable by
municipalities.

19. The Commission shall annually adjust and apportion the amounts payable by municipal corporations under the next preceding section. 6 Edw. VII. c. 15, s. 16.

Government
authorized to
raise funds
necessary for
work of
Commission.

20. The Lieutenant-Governor in Council may from time to time raise by way of loan on the credit of the Province in the manner provided by the Act passed in the fifth year of His Majesty's reign, Chaptered 2, such sums as the Lieutenant-Governor in Council may deem requisite for the purposes of this Act, and such sums may be paid over to The Commission and shall be accounted for and audited in the manner provided with respect to the management of the public revenue and public accounts. 6 Edw. VII. c. 15, s. 17.

Commission to
account for
monies
received —
application of
same.

21. All sums received by The Commission shall be accounted for and paid over to the Treasurer of the Province, to be applied from time to time in the retirement of the securities given by the Province for any debt incurred under the authority of this Act. 6 Edw. VII. c. 15, s. 18.

Complaints as
to rates charged
for light, heat
or power.

22.—(1) Upon the complaint in writing of any municipal corporation, company or person that any municipal corporation, company or person receiving power from the Commission is charging for electric lighting or heating or for electrical power or energy a rate which is excessive or unfair, or that any municipal corporation is making use of the power conferred upon it by this Act for the purpose of granting a bonus by supplying power, light or heat below cost to manufacturers or others, the chairman of the Commission may appoint a time and place at which the Commission or some member thereof will hear and determine the matter of the complaint.

Hearing of
complaints.

(2) Such notice of the appointment as the Chairman may direct shall be given by the Secretary of The Commission to such persons as the Chairman may direct. At the time and place appointed The Commission or a member thereof shall hear and determine the matter of the complaint and may dismiss or allow the complaint and may direct what rates shall be charged, and may regulate and determine the rates to be charged and may direct the amendment of any by-law or agreement accordingly, or may make such order as may seem meet.

(3) The Commission or the member thereof hearing the complaint shall have all the powers authorized to be conferred upon a Commissioner appointed under *The Act respecting Enquiries concerning Public Matters*. Powers of Commission on enquiry.

(4) Any municipal corporation, company or person neglecting or refusing to obey and carry out the order or direction of The Commission or the member thereof before whom the complaint was heard in addition to any other liability shall forfeit to His Majesty for the uses of the Province the sum of \$100 for every day during which such refusal or neglect shall continue. 6 Edw. VII. c. 15, s. 19. Penalty for disobedience to order of Commission.

23. Without the consent of the Attorney-General, no action shall be brought against The Commission or against any member thereof for anything done or omitted in the exercise of his office. 6 Edw. VII. c. 15, s. 21. No action to be brought against Commission without consent of Attorney-General.

24. Neither the Province nor The Commission nor any member thereof shall incur any liability by reason of any error or omission in any estimates, plans or specifications prepared or furnished by The Commission. Non-liability for errors in estimates, etc.

25.—(1) The Act passed in the 6th year of His Majesty's reign, Chaptered 15, is hereby repealed, but the repeal thereof shall not affect the matters and things mentioned in section 8 of Chapter 3 of the Revised Statutes of Ontario, 1897, which shall apply to this Act. 6 Edw. VII. c. 15 repealed.

(2) Any contract which might have been entered into under the authority of the repealed Act may be entered into after the passing of this Act with the same effect and in the same way as if the first mentioned Act had not been repealed. Contracts already authorized.

CHAPTER 20.

An Act to amend The Agricultural Societies Act.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be known as *The Agricultural Societies Amendment Act, 1907*.

6 Edw. c. 16,
s. 22,
amended.

2. Section 22 of *The Agricultural Societies Act* is amended by adding thereto the following:

Prosecutions
for horse-
racing.

(4) Prosecution under this section of the Act may be made only upon the information being laid by a person who is a member of the society for the current year and who also was a member of the society in the previous year.

Mount Forest
Agricultural
Society.

3. Notwithstanding anything contained in *The Agricultural Societies Act*, the society known as the Mount Forest Agricultural Society is hereby declared to be a society organized and incorporated under the said Act, and to have all the rights and privileges enjoyed by an Agricultural Society under the said Act.

Chesley
Agricultural
Society.

4. Notwithstanding anything contained in *The Agricultural Societies Act* or *The Horticultural Societies Act*, the society organized under *The Agriculture and Arts Act* and known as the Chesley Horticultural Society, is hereby changed to the Chesley Agricultural Society, and is declared to be an agricultural society under *The Agricultural Societies Act*, and to have all the rights and privileges of an agricultural society under the said Act.

Peterborough
Industrial
Society.

5. Notwithstanding anything contained in *The Agricultural Societies Act*, the society known as the Peterborough Industrial Society is declared to be an agricultural society under the provisions of *The Agricultural Societies Act*, and

to

to have all the rights and privileges of an agricultural society under the said Act.

6. Notwithstanding anything contained in *The Agriculture and Arts Act* and *The Agricultural Societies Act*, the McKellar Township Agricultural Society is hereby declared to be an agricultural society organized under *The Agricultural Societies Act*, and to have all the corporate powers of a society organized under the said Act.

McKellar
Township
Agricultural
Society.

7. Notwithstanding anything contained in *The Agriculture and Arts Act*, *The Agricultural Societies Act* and *The Horticultural Societies Act*, the society known heretofore as the Forest Horticultural Society is hereby changed to the Forest Agricultural Society, and the said society is to have all the rights and privileges of an agricultural society under *The Agricultural Societies Act*.

Forest Horti-
cultural
Society.

CHAPTER 21.

An Act for the Preservation of Butler's Burying Ground at Niagara on the Lake.

Assented to 20th April, 1907.

Preamble.

WHEREAS the parcel of land described in the schedule hereto was set apart as a burying ground and the remains of Colonel John Butler and of other officers and men of the corps known as Butler's Rangers were interred therein, and whereas the said burying ground has for many years past been disused and neglected; and whereas it is expedient that the said ground should be properly cared for as a burying ground, and that permanent provision should be made for the care of the said ground;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power of Commissioners to acquire burying ground.

1. The Commissioners for The Queen Victoria Niagara Falls Park shall have power to acquire the said burying ground and shall have all the powers in respect thereof which are contained in the Act entitled *An Act for the preservation of the Natural Scenery at Niagara Falls*, passed in the forty-eighth year of the reign of Her late Majesty Queen Victoria, Chaptered 21, and in all other Acts relating to the said Commissioners, excepting only that there shall not be power to mortgage or otherwise encumber the said lands.

Acquiring roadways.

2. The said Commissioners shall also have power to acquire roadways not exceeding forty feet in width from each or any of the roads in the neighbourhood of the said burying ground.

Lands to be vested in commissioners.

3. Upon acquiring the said lands or any part thereof by conveyance or otherwise from any person now in possession of the said lands or any part thereof claiming title by prescription, or by conveyance from a person or persons claiming

claiming title by prescription, and showing such title to the satisfaction of the said Commissioners a valid title to the said lands shall vest in the said Commissioners.

4. And whereas by reason of the boundaries of the said burying ground having become obliterated and the position of rights of way thereto being now unknown, therefore the said Commissioners are authorized to acquire under their said powers and authorities in that behalf such parcel or parcels of land as shall be ascertained or determined by a surveyor to be in his opinion identical or as nearly identical as can reasonably be determined with the said burial grounds as described or intended to be described in the schedule hereto.

Lands to be acquired to be ascertained by Surveyor according to description in schedule.

5. Nothing in this Act contained shall authorize interference with any existing right to inter the body of any deceased person in the said burying ground, nor shall anything herein contained be deemed to confer a right to remove any body now therein interred, but subject to the above provisions the said Commissioners shall have the right to enter upon and to put in order and care for the said burying ground.

Existing rights preserved.

SCHEDULE.

All that certain parcel or tract of land situate in the Township of Niagara, in the County of Lincoln, containing two rods and thirty-six perches, more or less, and being part of a certain tract of land containing one hundred and fifteen acres, more or less, granted by patent from the Crown bearing date the fifth day of February, one thousand eight hundred and three, to one Andrew Butler, gentleman, and described as follows:—Commencing in survey at the distance of eighty-six chains from what is called the Mile Tree on the Garrison Line on a course bearing north seventeen degrees west and which said two rods and thirty-six perches are butted and bounded or may be otherwise known as follows, that is to say, commencing at a stone monument marked G. Y. at the south-east angle of the graveyard, thence north eight degrees forty minutes east two chains, thence north forty-nine degrees west along the bottom of the hill two chains, thence south seventy-one degrees west one chain seventeen links, thence south ten degrees west three chains fifty links, thence north seventy degrees east one chain sixty-one links to the place of beginning.

CHAPTER 22.

An Act respecting Burlington Beach.

Assented to 20th April, 1907.

Preamble.

WHEREAS the lands hereinafter described known as Burlington Beach are comprised partly of lands which are the property of the Crown, other lands owned by private individuals and lands held under leases by private individuals and others, and whereas by lease dated November 28th, 1874, and a supplementary lease dated October 1st, 1886, portions of the said lands were demised by Her Late Majesty Queen Victoria to the Corporation of the City of Hamilton during pleasure; and whereas in exercise of a power reserved in the said lease the same were by Order in Council, dated January 7th, 1907, cancelled and revoked; and whereas the said lands were originally intended to be reserved principally for park purposes; and whereas from time to time during the currency of the said lease the said the Corporation of the City of Hamilton, executed subleases, and in other ways made certain dispositions of portions of the said lands to persons now in possession of such portions under the said subleases; and whereas the said lands are crossed and traversed by steam and electric railways, and by the right of way of the Toronto and Niagara Power Company, owned by the said company for transmission of power; and whereas there is a canal crossing the said lands, and a beach on both sides of the same, facing the waters respectively of Burlington Bay, and of Lake Ontario; and whereas the said lands are largely occupied by people who use the same for residences during the summer, and for purposes of recreation and pleasure; and whereas it is deemed advisable that the government and supervision of the said lands, and of the inhabitants thereof should be conducted in a manner different from the usual municipal system of Government as carried on in this Province, and vested in a Board of Commissioners to be appointed by the Lieutenant-Governor in Council.

Therefore,

Therefore, His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Burlington Beach Act*. Short title.

2.—(1) The Lieutenant-Governor in Council may from time to time appoint a Board of Commissioners to be composed of such persons, not less than two, as the Lieutenant-Governor in Council may see fit. Board of commissioners appointed.

(2) The said Board shall be a corporation by the name of "The Burlington Beach Commission," and shall have a corporate seal. Board incorporated.

(3) The members of the said Board shall hold office during the pleasure of the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may upon the death, resignation or removal from office of any member or members of the said Board, appoint another person or persons to fill the position so becoming vacant by death, resignation or removal. Tenure of office vacancies.

(4) After the appointment of the said Commissioners the Board shall at their first meeting in each year elect one of their members to act as Chairman and may appoint a Secretary, and such Secretary shall have all the rights and powers and perform all the duties that pertain respectively to the position of a clerk and treasurer of an incorporated village. Chairman and secretary.

3. All those portions of the lands known as Burlington Beach, which lands are more particularly described as follows:— Beach vested in commission.

All those parcels or tracts of land and premises known as portions of Burlington Beach, in the Township of Saltfleet, in the County of Wentworth, as shown and colored red on parts of a plan of survey, by Thomas C. Brownjohn, P.L.S., dated Hamilton, September 25th, 1874, of record in the Department of Lands, Forests and Mines, which said parts of said Burlington Beach are abutted and bounded as follows:—

First. Commencing at the point A as shown on said plan, in the southern limit of the County of Halton; thence easterly along the said limit to the easterly shore of the Beach, at the point B as shown on said plan; thence southerly along the said Beach to the point C as shown on said plan at the intersection of the northerly limit of the Burlington Canal Reserve; thence westerly along the northerly limit of said Reserve to the westerly shore of said Beach, at the point D as shown on said plan; thence northerly along the said Beach to the point A as shown on said plan, the place of beginning.

Second. Also all that other parcel of land, being portion of said Beach, commencing at the point E on said plan in
the

the southern limit of the Burlington Canal Reserve; thence easterly along the said limit to the easterly shore of the Beach at the point F as shown on said plan; thence southerly along the said Beach to the point G as shown on the said plan, being the point of intersection with the north side of the road between lots Nos. 28 and 29, in the 1st concession of the Township of Saltfleet, produced easterly to said Beach; thence westerly along the northerly side of said road produced to the westerly shore of said Beach at the point H as shown on said plan; thence northerly along the said beach to the point E as shown on said plan, the place of beginning.

Third. The Burlington Canal Reserve.

Fourth. The promontory extending into Burlington Bay from the said Beach, which is not colored red on the said plan by said Brownjohn, and which said promontory extends from a point a little north of the northerly boundary of the lands granted to Frank E. Walker, by letters patent, dated 18th May, 1896, and extending southerly to a point opposite the lands granted to James Crooks, by letters patent, dated 7th April, 1897.

Fifth. Land under the waters of Burlington Bay and Lake Ontario, adjoining said Beach which may be required for water lots and kindred purposes, in which the fee is vested in the Crown are hereby vested in the said corporation, and the same shall be held by the said corporation in trust for the Crown, and the Commissioners shall have jurisdiction over the whole of said territory for the purposes of all powers granted to them under this Act.

Board to enquire as to present sub-leases.

4. It shall be the duty of the Commissioners, and they are hereby empowered to enquire into, and ascertain the facts concerning all franchise agreements, all sub-leases, all portions of the said lands held under sub-leases from the Corporation of the City of Hamilton, or otherwise; the names of the persons holding the same, the amounts of rents reserved, or other payments provided for in the same, the terms and conditions under which such agreements and sub-leases are made, and all other particulars in connection with the same.

Collection of arrears of rent.

5. The Commissioners shall have the power to demand, collect and receive from persons now in occupation or use of the said lands under such agreements or sub-leases any moneys due and unpaid at the time of the passing of this Act for rent or otherwise in respect thereof.

Report upon sub-leases.

6. The Commissioners shall after making such enquiries as aforesaid report to the Lieutenant-Governor in Council all facts in connection therewith, and shall make such recommendation

commendation to the Lieutenant-Governor in Council as to the terms and conditions upon which any of such lands should be leased, sold or otherwise disposed of and rights, privileges and franchises should be granted to the present occupants of the said lands, or to other persons as to the Commissioners may seem just and proper under the circumstances of each respective case.

7. The Commissioners, with the approval of the Lieutenant-Governor in Council and subject to such regulations as may be approved by the Lieutenant-Governor in Council, may make such dispositions by agreement, lease, sale or otherwise as may be approved by the Lieutenant-Governor in Council as aforesaid.

Regulations,
leases, etc.

8. The Commissioners shall collect all rents, taxes or other moneys accruing due in respect of all such lands after the same become due, and may expend so much of the moneys received therefrom as may in their opinion be necessary or expedient in beautifying or otherwise improving the lands aforesaid as a park and place of public resort, and for all purposes authorized by this Act, and they shall annually remit on or before the 1st day of December in each year to the Treasurer of the Province any surplus that may remain after expending the moneys as aforesaid and as hereinafter provided.

Collection of
rents and
return to
Treasurer.

9. The Commissioners may from time to time appoint a constable or constables who shall have the same powers, and perform the same duties upon the lands aforesaid as a constable appointed by the council of an incorporated village.

Constables.

10.—(1) The Commissioners shall have all the powers granted by section 583 of *The Consolidated Municipal Act, 1903*, to the Board of Commissioners of Police in cities having a population of 100,000 or more.

Regulations
and by-laws.

(2) And the said Commissioners may make regulations and pass by-laws for fixing the sums to be paid for licenses required under the by-laws passed under the preceding clause.

License fees.

(3) After the passing of any such by-laws no general by-law of the township in which the said lands are situate for any of such purposes shall apply in the territory hereinbefore described.

Township
by-laws not to
be in force
after by-laws
passed by
commissioners.

(4) For making such regulation as to the Commissioners may seem proper for protection from fire within the said lands, and for providing such fire appliances as they may deem necessary for the protection of life and property within the territory comprising the said lands.

Fire protection.

(5)

Sidewalks,
drains, park
improvements,
etc.

(5) For letting contracts or employing labour and purchasing material for building sidewalks, culverts, putting in drains and improving and beautifying the lands aforesaid as a park and place of public resort and doing all things necessary for such purposes, and the Commissioners may pass by-laws for entering into contracts for the supply of water, light or heat by any person or company to Burlington Beach or the residents therein and doing all things necessary for such purposes within the limits of Burlington Beach.

Generally.

(6) And generally for making such rules and regulations for the proper government of the said territory as may be approved by the Lieutenant-Governor in Council.

Authentication
of by-laws.

11. By-laws passed by the Commissioners shall be duly authenticated by the signatures of the Commissioners, and the seal of the corporation and a copy of any such by-law so authenticated shall be of the same force, and shall have the same effect as a copy of any municipal by-law duly certified in the manner provided by section 334 of *The Consolidated Municipal Act, 1903*.

3 Edw. VII,
c. 19.

Penalty for
infraction of
by-laws.

12. The Commissioners may in any by-law passed by them provide that the infraction of any of the provisions of such by-law shall make the offender liable to a penalty not exceeding \$50, or imprisonment for a term not exceeding sixty days, and such penalties may be enforced by any Justice of the Peace, having jurisdiction within the County of Wentworth.

Application of
license fees and
penalties.

13. All sums collected for license fees or for penalties for offences against any by-law passed by the Commissioners shall be paid over to the said Commissioners.

Highways to
be kept in
repair.

14. It shall be the duty of the commissioners to keep the highways upon the lands aforesaid in proper repair.

Commissioners
subrogated to
rights of town-
ship as to agree-
ments with
railway com-
panies.

15. In case any railway operating by electricity upon a highway or any portion of which is so operated has been heretofore constructed in said territory under any agreement with the council of the Township of Saltfleet then so far as such agreement relates to the maintenance and repair of the tracks and roadbed of the railway or the remaining portions of the highway or highways in said territory over which the railway is operated and to the removal of snow and ice from the company's tracks and the disposal of such snow and ice upon the highway or elsewhere the said Commissioners shall, in respect of that portion of the railway in said territory, be substituted for and have all the rights and may exercise all the powers and be subject to the same duties as the said Township of Saltfleet under said

said agreement and any officer or person named therein and charged with the performance of any duty in respect to matters aforesaid thereunder.

16. All railway companies occupying the said highways shall cause their tracks to conform to the grades of the said highways and shall maintain the same in such manner as shall least obstruct the free and ordinary use of the said highways and the passage of vehicles over the same, and the upper surface of the rails shall be laid flush with the surface of the highways and shall conform to the grade thereof.

Railway tracks to conform to grades.

17. The Commissioners shall have power to provide for the assessment of all lands situate within the territory hereinbefore described, and shall as to such territory perform and possess all the duties and powers provided for by *The Assessment Act* and *The Ontario Voters' Lists Act* in the case of clerks, assessors and collectors in townships and for the collection of all moneys due from the owners or occupants of such lands, and to expend such moneys for the purposes hereinbefore set forth, and for such other purposes as may from time to time be approved by the Lieutenant-Governor in Council. No assessment involving the payment of a greater rate on the dollar than that now imposed upon the ratepayers in the said territory shall be made, and no greater tax collected except with the approval of the Lieutenant-Governor in Council.

Assessment and taxation.

18. The Commissioners shall have power to employ from time to time such officers and workmen as they may deem necessary to carry out the provisions of this Act.

Officers and workmen.

19.—(1) The Commissioners shall cause books to be provided and true and accurate accounts to be entered therein, of all sums of money received and paid out and of the several purposes for which the same were received and paid out, and such books shall be at all times open to the inspection of the Treasurer of the Province, and of any person appointed by him, or by the Lieutenant-Governor in Council, or by a majority of the ratepayers in said territory for such purposes, and any such person may take copies or extracts from such books.

Books of account.

(2) Sections 24 to 27 of *The Act to provide for the better Auditing of the Public Accounts of the Province* shall apply to the accounts of the Commissioners in respect of receipts and expenditures.

Rev. Stat. c. 23, ss. 24-27, to apply.

(3) A summary of the receipts and expenditures shall be published annually in a newspaper published in the City of Hamilton.

Publication of summary of receipts and disbursements.

Annual report
to Crown.

20. The Commissioners shall on or before the 1st day of December in each year report to the Lieutenant-Governor in Council the receipts and expenditures of the year, and such other matters as may appear to them to be of public interest in relation to the government of the said territory, or to anything arising out of this Act, and shall in all cases supply to the Lieutenant-Governor in Council such information relating thereto as he may direct.

Actions not to
lie against
Board without
consent of
Crown.

21. No action shall be brought against the Commissioners for anything done or omitted to be done under this Act without the approval of the Lieutenant-Governor in Council.

Beach separat-
ed from Salt-
fleet and
County.

22. From and after the passing of this Act the territory aforesaid shall be deemed to be separated from and to no longer form part of the Township of Saltfleet, or of the County of Wentworth for municipal purposes, and shall cease to be subject to the jurisdiction thereof, but the Commissioners shall annually return, until the year 1925, inclusive, and no longer, to the said township such sum of money as would be due to the said township for school taxes, and thereafter such sum as would be due to the said township for school section number 4 taxes and to the said county until the year 1933, inclusive, and no longer such sum of money as would be due to the said county for a county rate as if the said territory continued to be a portion of the said township and county municipalities.

Application of
Rev.Stat., c.245.

23. The provisions of *The Liquor License Act* shall apply to and remain in force in the said territory as if it remained a portion of the Township of Saltfleet for municipal purposes, but the proportion of the license fund of the license district which would be otherwise payable to the said township in respect of said territory shall belong to and be paid to the said Commissioners. Provided however that no more than three licenses shall be granted for said territory.

Voting at
elections to
Legislative
Assembly.

24. For purposes of elections to the Legislative Assembly the said territory shall be and remain a portion of the said Township of Saltfleet, and all persons in said territory possessing the necessary qualifications shall be entitled to be placed on the voters' lists of the said township, and for such purposes the said commissioners shall annually before the 1st day of June, prepare and furnish to the clerk of the said township a list of persons so qualified, and for the information of the said clerk shall furnish all particulars required in preparing his lists under *The Ontario Voters' Lists Act*.

Annexation to
Wentworth for
judicial pur-
poses.

25. For all judicial purposes the said territory shall be and remain a portion of the County of Wentworth.

CHAPTER 23.

The Statute Law Amendment Act, 1907.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Act respecting the Fees of Certain Public Officers* is repealed and the following substituted therefor: Rev. Stat., c. 18 s. 4, repealed.

4.—(1) Every Division Court Clerk shall be entitled to retain to his own use in each year all the fees and emoluments earned by him in that year up to \$2,000. Fees which are to be retained by Division Court Clerks for their own use.

(2) Of the fees and emoluments earned by any Division Court Clerk in each year he shall pay to the Provincial Treasurer a percentage of 20 per cent. on the excess over \$2,000.

2. Subsection 1 of section 2 of *The Trustee Investment Act* is amended by inserting the words "in the Provinces of Ontario and Manitoba" after the words "fee simple" in the sixth line of said subsection. Rev. Stat., c. 130, s. 2, amended.

3. Sections 9 and 10 of *The Surrogate Courts Act* are hereby repealed and the following is substituted for the said section 9: Rev. Stat., c. 59, ss. 9 and 10, repealed.

9. The Lieutenant-Governor may from time to time appoint a registrar of the Surrogate Court in every county

4. *The Act respecting the Qualification and Appointment of Justices of the Peace* is amended by adding thereto the following as section 26: Rev. Stat., c. 86 amended.

26. A Justice of the Peace shall have the right, unless another suitable place is provided by the municipality, to use the town hall of any municipality which has no police magistrate for the hearing of cases brought before him, but not so as to interfere with its ordinary use. Use of town hall.

Rev. Stat., c. 87
amended.

5. *The Act respecting Police Magistrates* is amended by adding thereto the following section:

Provision for
absence or
illness of police
magistrate.

39. In case of the illness or absence from the county of a police magistrate, any other police magistrate within the county, whether appointed for the county or for a city, town or village therein, shall have all the powers and may perform all the duties of the police magistrate during such illness or absence, and shall also have jurisdiction and power to continue and complete any proceeding begun before him, notwithstanding that the first mentioned police magistrate may in the meantime have recovered or returned.

Rev. Stat., c. 90,
s. 3, amended.

6.—(1) Section 3 of *The Ontario Summary Convictions Act* is amended by inserting after the word “void” in the sixth line the words “nor shall the right to collect any fine or costs or to enforce any penalty under any such conviction or order be impaired.”

Rev. Stat., c. 90,
s. 7, amended.

(2) Section 7 of *The Ontario Summary Convictions Act* is amended by adding after the word “therefrom” in the last line thereof the words “where the conviction or order adjudges imprisonment only, to the General Sessions of the Peace, and in all other cases to the Division Court of the Division in which the cause of the information or complaint arose.”

Rev. Stat., c. 90,
s. 8, amended.

(3) Section 8 of the said Act is amended by adding after the word “Peace” in the second and eleventh lines thereof the words “or to a Division Court.”

Rev. Stat., c. 90,
s. 8, amended.

(4) Section 8 of the said Act is also amended by adding the following as subsection 2:

Appeals from
summary con-
victions.

(2) Where the appeal is to the Division Court either party to the appeal may, on payment of the postage for forwarding and returning the same, require the Clerk of the Peace on *præcipe* to transmit all papers and proceedings in the case to the clerk of the proper Division Court for the purpose of such appeal.

Rev. Stat.
c. 101, s. 5
amended.

7. *The Act respecting the Fees of Officers engaged in the Administration of Justice* is amended by adding the following as section 15:

Sheriff's allow-
ance when no
levy has been
made before
payment of
fine.

15. Where a levy has not been made in respect of a fine or recognizance, the sheriff shall be entitled to an allowance at the rate of \$2 for every \$100 of the amount received by him in lieu of the allowance to the sheriff provided by item 26 of the sheriff's fees in the schedule to the Act.

8. *The Marriage Act* is amended by adding the following as section 31: Rev. Stat. c. 162 amended.

31.—(1.) In case a form of marriage shall be gone through between two persons either of whom is under the age of 18 years without the consent required by section 15 of this Act, the High Court of Justice shall have jurisdiction and power, notwithstanding that a license or certificate was granted and that the ceremony was performed by a person authorized by law to solemnize marriage, in an action brought by either party who was at the time of the ceremony under the age of 18 years, to declare and adjudge that a valid marriage was not effected or entered into. Declaration of nullity of marriage.

Provided that such persons have not after the ceremony cohabited and lived together as man and wife and that such action shall be brought before the person bringing it has obtained the age of 19 years. Proviso.

(2) The High Court of Justice shall have the like jurisdiction and power where the form of marriage has been gone through before the passing of this Act under the like circumstances and subject to the same conditions as are mentioned in subsection 1. Marriages prior to Act.

(3) Nothing herein contained shall affect the excepted cases mentioned in section 16 of this Act or apply where after the ceremony there has occurred that which if a valid marriage had taken place would have been a consummation of the marriage. Saving as to marriages to prevent illegitimacy, etc.

(4) The High Court of Justice shall not be bound to grant relief in the cases provided for by this section where carnal intercourse has taken place between the parties before the ceremony. When Court not bound to grant relief.

(5) This section shall not come into force or take effect until so declared by Proclamation of the Lieutenant-Governor in Council. Section not to come into force until proclaimed.

9. Section 1 of *The Act to prevent Minors from frequenting Billiard Rooms and other places* is amended by striking out the word "sixteen" at the end of the said section and substituting therefor the word "eighteen." Rev. Stat. c. 247, s. 1, amended.

10. Subsection 2 of section 11 of *The Act respecting the Investigation of Fires* is amended by striking out the words "in writing" in the 2nd line of the said subsection. Rev. Stat. c. 275, s. 11 (2) amended.

11. A Provincial Coroner appointed under *The Act respecting the Investigation of Fires* shall have power to investigate cases of maiming or suspected poisoning of horses, cattle and other domestic animals, and for the purposes of any such investigation shall have all the powers and authority conferred by the said Act. Powers of fire coroners as to investigating cases of cattle poisoning.

1 Edw. VII,
c. 8, s. 15
repealed.

12. Subsection 6 added to section 54 of *The Act respecting Solicitors* by section 15 of *The Act to amend the Statute Law*, passed in the first year of the reign of His Majesty, chaptered 12, is repealed.

Collection of
costs where
solicitor or
counsel paid a
salary.

13. Where the remuneration of a solicitor or counsel employed by a corporation is wholly or partly paid by salary, the corporation employing such solicitor or counsel shall notwithstanding have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel were not receiving a salary where the costs are by the terms of his employment payable to the solicitor or counsel as part of his remuneration in addition to his salary.

63 V. c. 109, s. 54
amended.

14. Section 54 of *The Act to Incorporate the Bracebridge and Trading Lake Railway Company* is amended by adding thereto the following words: "The time limited herein for commencing and completing the railway is extended until the first day of April, 1908."

Rev. Stat.
c. 83, sub-s. 4
(3 Edw. VII,
c. 7, s. 12)
amended.

15. Subsection 4 of section 83 of *The Surrogate Courts Act* as enacted by section 12 of *The Statute Law Amendment Act, 1903*, is amended by inserting the word "Middlesex" after the word "Carleton" where it occurs in the said subsection.

3 Edw. VII,
c. 19, s. 591b,
amended.

16. The proviso to section 591b of *The Consolidated Municipal Act, 1903*, as enacted by section 29 of *The Municipal Amendment Act, 1905*, as subsequently amended, is hereby repealed and the following substituted therefor:

Provided that in the case of any municipality in which taxes for the year 1907 will be levied upon an assessment made in the year 1906, the municipal council may, by a two-thirds vote of the members thereof, continue any such exemptions heretofore granted so as to apply to and include taxes to be levied in the year 1907.

4 Edw. VII., c. 10,
s. 44, amended.

17. Subsection 1 (a) of section 2 of *The Act respecting Inn Keepers*, added thereto by section 44 of *The Statute Law Amendment Act, 1904*, is amended by adding thereto the words following: "and may enforce such lien by sale in the manner and subject to the conditions prescribed in subsection 2 hereof."

42 V., c. 41,
s. 4, amended.

18. Section 11 of *The Act to incorporate the City of Guelph*, passed in the forty-second year of the reign of Her late Majesty, Chaptered 41, is amended by striking out all the words after the word "more" in the twelfth line of the said section.

19. Section 4 of *The San Jose Scale Act*, as amended by 62 V. (2) c. 35, s. 4, amended. section 1 of Chapter 37 of the Acts passed in the second year of His Majesty's reign, is amended by adding thereto the following subsection:—

(2a) Upon the report of the inspector to the council that there is scale upon the trees or shrubs on any lot within the municipality the council may direct that notice be given personally by the inspector or by being sent by registered letter to the owner or occupant of the lot to have the trees or shrubs forthwith sprayed, and in case the same are not sprayed within ten days, the inspector may cause the spraying to be done and the cost of same shall be charged on the lot and be collected as a special tax in addition to the other taxes imposed by the municipal council on the lot. San Jose scale inspector may give notice to owner and in default may collect cost of work.

20. Section 1 of *The Timber Slide Companies Act* is amended by adding thereto as subsection 2 the following:— Rev. Stat., c. 194, s. 1, amended.

(2) This Act shall apply to every company heretofore or hereafter incorporated for the purpose of acquiring or constructing and maintaining any dam, slide, pier, boom or other work necessary to facilitate the transmission of timber down any river or stream in Ontario, or for the purpose of blasting rocks, or dredging or removing shoals or other impediments, or of otherwise improving the navigation of such river or stream for the said purpose. Application Act.

21. *An Act respecting Joint Stock Companies for the Construction of Piers, Wharfs, Dry Docks and Harbours* is amended by inserting at the commencement thereof the following section:— Rev. Stat., c. 195, amended.

(a) This Act shall apply to every company heretofore or hereafter incorporated for the purpose of constructing a pier or wharf or for dredging or deepening or making a harbour, or for the erection of a dry dock and marine railway connected therewith. Application of Act.

22. *An Act respecting Joint Stock Companies for the Erection of Exhibition Buildings*, is amended by adding thereto as section 1 thereof: Rev. Stat., c. 196, amended.

1. This Act shall apply to every company heretofore or hereafter incorporated for the purpose of purchasing and holding lands and erecting suitable buildings thereon for the holding of periodical fairs or exhibitions for agricultural purposes. Application of Act.

23. *An Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water*, is amended by adding thereto as section 1 thereof the following:— Rev. Stat., c. 199, amended.

Application of
Act.

1. This Act shall apply to every company heretofore or hereafter incorporated for the purpose of supplying any municipality with gas or water or with both.

Rev. Stat., c.
200, amended.

24. *An Act respecting Companies for Supplying Steam, Heat, Electricity, or Natural Gas for Heat, Light or Power* is amended by adding thereto as section 1 thereof the following :

Application of
Act.

1. This Act shall apply to every company heretofore or hereafter incorporated for supplying steam, hot air, or hot water for power and for heating purposes, or for supplying electricity or natural gas for the purposes of light, heat or power, in any municipality.

Rev. Stat. c.
213, amended.

25. *An Act respecting Cemetery Companies*, is amended by adding thereto as section 1 the following :—

Application of
Act.

1. This Act shall apply to every company heretofore or hereafter incorporated for the purpose of establishing public cemeteries.

63 V., c. 26,
amended.

26. *An Act to provide for the Incorporation of Co-operative Cold Storage Associations*, is amended by striking out of the fourth, fifth, sixth and seventh lines of section 17 the following words: "incorporated under this Act or to an association or company for the manufacture of cheese or butter incorporated under *An Act respecting Cheese and Butter Manufacturing Associations and Companies*." and substituting in lieu thereof the words "or company for the manufacture of cheese and butter."

Commence-
ment of sec-
tions 20-26.

27. The next preceding seven sections of this Act shall come into operation on the first day of July, 1907.

Return of
deposit made
by Montreal
River Pulp and
Paper Co.

28. The Lieutenant-Governor in Council may on such terms and conditions as he deems satisfactory authorize the return to the Montreal River Pulp and Paper Company Limited of the sum of \$20,000 being the amount of security deposited in connection with a certain agreement bearing date the 3rd day of March, 1902, the same having been cancelled by Order in Council of 19th January, 1906.

6 Edw. VII.
c. 19, s. 41,
repealed.

29. Section 41 of *The Statute Law Amendment Act, 1906*, is repealed and the corporation of the County of Middlesex shall not have any right to receive from the Province the moneys mentioned in subsection 4 of the said section.

4 Edw. VII.
c. 38, s. 1,
amended.

30. Section 1 of *An Act to amend The Charity Aid Act*, passed in the 4th year of His Majesty's reign, Chaptered 38, is hereby amended by striking out the figures "3.50" from the last line thereof and inserting in lieu thereof the figures "4.90."

31. Section 1 of the Act passed in the 6th year of His Majesty's reign, Chaptered 42, is amended by striking out the word "of" in the fifth line thereof and inserting in lieu thereof the word "for."

6 Edw. VII.,
c. 42, s. 1
amended.

32. The Lieutenant-Governor in Council may by Order in Council empower the Judge of a County Court of any county to transact at such place out of his county to be named in the Order in Council as may be deemed proper, all such business depending in his Court as may be transacted in Chambers where the solicitors for all parties reside in the place so named or with the consent of the solicitors for all parties.

County Judge
may be
authorized
to transact
business out of
his county.

33. Section 6 of the Act passed in the 6th year of His Majesty's reign, Chaptered 132, is amended by striking out the figures "1907" in the third line thereof and substituting therefor the figures "1908," and by striking out the figures "1908" in the sixth and eight lines thereof and substituting therefor the figures "1900," but this enactment shall not come into force or have effect until an Order of the Lieutenant-Governor in Council shall have been passed declaring the same to be in force.

6 Edw. VII.,
c. 132, s. 6;
amended.

34. Section 60 of *The Mines Act* is repealed, and sections 13 and 20 of the Act passed during the present session to amend said Act are amended by substituting for the words "general inspection" wherever they occur in said sections the words "complete inspection." The amendments made by this section shall be incorporated in the said last mentioned Act.

6 Edw. VII.,
c. 11, s. 60
repealed.

7 Edw. VII.,
c. 13,
amended.

35. Subsection 1 of section 10 of *The Act to Encourage the Destroying of Wolves* as enacted by section 33 of *The Statute Law Amendment Act, 1906*, is repealed and the following subsection substituted therefor:

Rev. Stat., c.
290, s. 10, subs.
1, amended.

10.—(1) Whenever the Provincial Treasurer is satisfied that the person killing a wolf is properly entitled to receive the bounty he may direct payment thereof notwithstanding that the person taking the affidavit and certifying the fact of the wolf being killed is not a resident of the district in which the wolf was killed; provided such affidavit is taken before and the certificate given by some person authorized by the Act to give certificates or by some person authorized to administer oaths for use in the Superior or other Courts of the Province.

Affidavits for
wolf bounty
may be accept-
ed although not
sworn before
resident of the
district.

36.—(1) Subsection 1 of section 5 of *An Act to consolidate and amend the Act respecting Voters' Lists* passed at the present Session of the Legislature, is repealed, and the following subsection substituted therefor:—

7 Edw. VII., c.
4 s. 5, subs. 1,
repealed.

(1) The provisions in Part I. shall apply to townships, and incorporated villages and, except as varied by Part II. of this
13 s. **Act**

Act and by *The Manhood Suffrage Registration Act*, to cities and towns.

(2) The subsection substituted by this section shall be incorporated in the Volume of Statutes for this year as part of the said section 5 of the said Act.

3 Edw. VII.,
c. 2, s. 2, subs. 1,
amended.

37. Subsection 1 of section 2 of *The Algoma Land Tax Amendment Act, 1903*, is amended by inserting after the word "Act" in the eighteenth line thereof the words "and up to the first day of January in the year 1907."

6 Edw. 7,
c. 19, s. 9,
amended.

38. Section 9 of *The Statute Law Amendment Act, 1906*, is amended by striking out the figures "1906" in the last line thereof and substituting therefor the figures "1908."

Remission of
interest on
arrears of
Algoma Land
Tax.

39. The Provincial Treasurer is authorized to remit the interest accrued on all taxes imposed and now owing up to the first day of January, 1907, under the authority of Chapter 26 of the Revised Statutes of Ontario, 1897, being *An Act respecting the Taxation of Patented Lands in Algoma, Manitoulin, Thunder Bay and Rainy River*; provided that the principal money owing is paid on or before the 31st day of December, 1907.

Method of
ascertaining
amount
payable under
1 Edw. VII.,
c. 40, s. 34,
subs. 6, 7, 9.

40. Notwithstanding anything contained in section 34 of *The High Schools Act* and the amendments thereto, the liability of any municipality under subsections 6, 7 or 9 of the said section as amended shall be determined as follows:—

From the total cost of maintenance of the High School there shall be deducted the amount of the legislative grant, —the remainder shall be divided by a number representing the total number of days' attendance of all pupils at such High School during the year for which payment is to be made and the resulting amount shall be multiplied by the total number of days' attendance of pupils in respect of whom such municipality is liable, the percentage mentioned in the subsection under which payment is to be made shall then be determined, and from this amount the fees paid by such pupils shall be deducted, and the resulting amount shall be the amount payable by such municipality.

No action to lie
against person
from whose
premises fire is
accidentally
communicated.

41.—(1) No action shall be brought against any person in whose house or building or on whose estate any fire shall accidentally begin, nor shall any recompense be made by him for any damage suffered thereby, any law, usage or custom to the contrary notwithstanding; provided that no contract or agreement made between landlord and tenant shall be hereby defeated or made void.

(2) The provisions of subsection 1 are hereby declared to have been in force on and since the 1st day of July, 1867.

42. The cash grant of \$2,000 per mile given by subsection 1 of section 1 of the Act passed in the 62nd year of the reign of Her late Majesty Queen Victoria, Chaptered 23, to the Ontario Hudson's Bay and Western Railway, between Missinabie Station on the Canadian Pacific Railway and tide water at the mouth of Moose River on James Bay, a distance not exceeding 240 miles, is renewed for a period of three years from the passing of this Act for the portion of said railway between Missinabie Station and the National Transcontinental Railway, a distance not exceeding 115 miles.

Extension of line for earning subsidy to Ontario Hudson's Bay and Western Ry.

43. An extension for the period of two years from the first day of September, 1907, is hereby granted to the Algoma Central and Hudson's Bay Railway Company to complete the construction of the railway, as described in subsection 1 of section 16 of the Act passed in the 63rd year of Her late Majesty's reign, Chaptered 30, intituled *An Act respecting Aid by Land Grant to the Algoma Central Railway Company*, and the completion of the said railway shall be deemed and taken as a fulfilment and performance of the obligations imposed and as a satisfaction of the conditions necessary for the earning of the land grant under said Act, and any amendments thereto.

Extension of line for earning land grant to Algoma Central Ry.

44. The times fixed for the commencement and completion of the Toronto, Lindsay and Pembroke Railway are hereby extended for seven years beyond the respective periods fixed therefore by the Act of incorporation passed in the 62nd year of the reign of Her late Majesty Queen Victoria, Chaptered 105.

Time for commencing and completing Toronto, Lindsay and Pembroke Ry. extended.

45. Section 6 of *The Act respecting Aid to Certain Railways* passed in the sixty-third year of the reign of Her late Majesty Queen Victoria, Chaptered 29, is amended by adding thereto the following words: "the time limited herein is extended as regards the Toronto, Lindsay and Pembroke Railway until the first day of December, 1909."

Time for earning subsidy to Toronto, Lindsay and Pembroke Ry. extended.

46. Section 54 of *The Act to Incorporate The Bracebridge and Trading Lake Railway Company*, passed in the sixty-third year of the reign of Her late Majesty Queen Victoria Chaptered 109, is repealed and the following substituted therefor:

Time for commencing and completing Bracebridge and Trading Lake Ry. extended.

54. The railway shall be commenced within seven years and finally completed within ten years after the passing of this Act.

Time for earning subsidy to Bracebridge and Trading Lake Ry. extended.

47. Section 35 of *The Statute Law Amendment Act, 1906*, is amended by striking out the figures "1906" in the sixth line thereof and by substituting in lieu thereof the following words and figures: "1908; provided that the said company shall have expended a sum of not less than \$35,000 in the construction of the said railway before the thirty-first day of December, 1907."

Grant to Thessalon and Northern Ry.

48. There shall be granted out of the Consolidated Revenue Fund for the construction of that portion of "The Thessalon and Northern Railway" extending from the Town of Thessalon northerly to some point on the Algoma Branch of the Canadian Pacific Railway, a cash subsidy of \$5,000; provided that if such portion of said railway is not completed within two years from the passing of this Act to the satisfaction of the Minister of Public Works, this subsidy shall lapse and revert to the Consolidated Revenue Fund of the Province.

Extension of line for earning subsidy to Irondale, Bancroft and Ottawa Ry.

49. Section 5 of *The Act respecting Aid to Certain Railways*, passed in the second year of the reign of His Majesty King Edward VII, Chaptered 25, is amended by adding thereto the following words: "the time limited herein is extended as regards the Irondale, Bancroft and Ottawa Railway until the 31st day of December, 1910."

6 Edw. VII., c. 52 amended.

50. *The Department of Education Act* is amended by adding thereto the following section:

Preamble.

28a. Whereas Her late Majesty represented by the Minister of Education, by three separate indentures dated the 24th day of March, 1896, entered into agreements with the W. J. Gage Company, Limited, the Copp, Clark Company, Limited, and The Canada Publishing Company, Limited, for the publication during the ten years then next succeeding, of the Public and High School Readers for the Province of Ontario;

And whereas by the said agreements it is provided that any other publisher may be permitted to publish the said Readers at any time by permission to be obtained from the Department of Education subject to the terms and conditions therein set out, and questions having been raised as to rights under the said and other agreements, therefore it is enacted as follows:

Copyrights held by Publishers of readers to be held in trust for the Crown.

The W. J. Gage Company, Limited, The Copp, Clark Company, Limited, and The Canada Publishing Company, Limited, and each of them and all other persons and corporations who have acquired either by assignment of the copyright or otherwise the right, leave or license to print or publish, sell or use in said readers any and all extracts or portions of literary productions contained in the said Readers shall be deemed to hold the said rights, leave or license as trustees for themselves, His Majesty the King and any

any persons and corporations to whom the Minister of Education may from time to time hereafter grant the right to print, publish, sell or use the said Readers and any extracts or portions from the writings of copyrighted literary productions contained or printed in said Readers, and all such rights which any such persons or corporations have acquired or can confer on them are hereby vested in all such persons or corporations as the Minister of Education shall authorize to print, publish, sell, dispose of or use such Readers or any of them.

51. Paragraph 6a of section 2 of *The Supplementary Revenue Act, 1899*, as enacted by section 3 of the Act passed in the sixth year of His Majesty's reign, Chaptered 9, is amended by striking out the words "a city" in the second line and the words "on the public highways" in the second and third lines of the said paragraph. 62 V. (2) c. 8, s. 2 amended. Provincial tax on street railways.

52. Section 2 of *The Supplementary Revenue Act, 1899*, is amended by adding thereto the following as paragraph 6b: 62 V. (2) c. 8, s. 2 amended.

6b. Except as provided in paragraphs 6 and 6a of this section every street railway company owning, operating or using a street railway in this Province shall pay a tax of \$10 per mile for each mile of track. Mileage tax on street railways.

In all cases the mileage shall be computed on the single track, each mile of double track being counted as two miles of single track; but in calculating the mileage mere switches or sidings, tracks into car stables or car sheds, Y's and curves laid at street corners and portions of track not in general use for passenger traffic shall not be counted.

53. Notwithstanding anything contained in section 28 of *The Public Health Act* or in section 28 of the Act passed in the 1st year of His Majesty's reign, Chaptered 12, the City of London may erect an Isolation Hospital upon a site approved of by the Provincial Board of Health, and the said sections shall not apply to the said Isolation Hospital. Rev. Stat. c. 248, s. 28 not to apply to London Isolation Hospital.

54. Forms 1 and 2 in Schedule "B" to *The Assessment Act* are amended by striking out the words "in this Province" following the words "having resided," and substituting therefor the words "within the Dominion of Canada." 4 Edw. VII, c. 23.

55. Subsection 1 of section 10 of *The Act respecting the Provisional County of Haliburton* is repealed and the following substituted therefor: Rev. Stat. c. 4, s. 10, subs. 1 repealed.

(1) It shall not be necessary for any Justice of the Peace for the Provisional County of Haliburton to possess any property qualification whatever. Property qualifications not required for Justice of the Peace in Haliburton.

Rev. Stat. c. 4,
s. 16 amended.

56. Section 16 of *The Act respecting the Provisional County of Haliburton* is amended by striking out the words "a Gaoler and" in the second line of the said section; and hereafter the Sheriff of the County of Victoria shall have authority to appoint the Gaoler for the said county, but the appointment and dismissal of such Gaoler shall be subject to the approval of the Lieutenant-Governor.

7 Edw. VII,
c. 49, s. 11,
subs. 1
amended.

57.—(1) Subsection 1 of section 11 of *An Act respecting the Game, Fur-bearing Animals and Fisheries of Ontario*, passed at the present session, is amended by striking out the word "in" in the third line of clause (b) in the said subsection and inserting in lieu thereof the word "from," and by striking out the words "19th day of October and the 20th day of November" in the 5th and 6th lines of clause (c) in the said subsection and inserting in lieu thereof the words "16th day of October and the 15th day of November."

(2) The amendments made by this section shall be incorporated in the said Act.

Time for
earning cash
subsidy to
James Bay
Railway,
granted 62 V.
(2) c. 23,
extended.

58. The time for earning the cash subsidy of \$2,000 per mile granted to the James Bay Railway from a point at or near Sudbury to a point at or near Lake Abittibi, a distance not exceeding one hundred and seventy-five miles, by the Act passed at the 2nd Session held in the 62nd year of the reign of Her late Majesty Queen Victoria, Chaptered 23, is extended until the 31st day of December, 1910, but the extension hereby granted and the payment of the said subsidy is conditional upon the diversion of the said line westerly on a course and to a point to be approved by the Lieutenant-Governor in Council, and the said extension shall not be deemed to revive the land grant made to the said railway by the said Act, and the said land grant is declared to have lapsed and to be repealed.

CHAPTER 24.

An Act respecting the Weekly Court.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All proceedings in any action or matter which may be heard and disposed of before a judge in court or by a judge in chambers (not including such proceedings as may in the first instance be heard and disposed of by the Master in Chambers or local judge) may be heard and determined at the weekly sittings of the High Court of Justice at Ottawa if the solicitors for all parties reside in that portion of the Province of Ontario composed of the following counties:—Renfrew, Leeds, Lanark, Grenville, Carleton, Dundas, Russell, Stormont, Prescott and Glengarry.

Proceedings
which may be
taken before
Weekly Court
at Ottawa.

2. This Act shall not come into force or take effect until so declared by Proclamation of the Lieutenant-Governor in Council.

CHAPTER 25.

An Act to create the Provisional Judicial District of Sudbury.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

District of
Sudbury.

1. The following parts of the Districts of Algoma and Nipissing are hereby separated therefrom and shall form a Territorial District, that is to say:

First:—That part of the District of Algoma included within the following limits:—

Commencing at a point on the north shore of Lake Huron at the southwest angle of the Township of Harrow, thence due north astronomically along the west limit of the Townships of Harrow, May and Gough and Townships numbered 118, 119 and 120, a distance of 36 miles, more or less, to the northwest angle of the latter, thence due east astronomically along the north limit of Township numbered 120, 6 miles more or less, to the southwest angle of Township numbered 114, thence due north astronomically along the west limit of Townships numbered 114 and 115, 12 miles, more or less, to the northwest angle of the latter, thence continuing due north astronomically along O. L. Surveyor David Beatty's Meridian Line 12 miles, thence due west astronomically 30 miles, more or less, to the twelfth mile post on O. L. Surveyor Niven's Meridian Line, thence north astronomically along said Meridian Line 36 miles to the south limit of Township numbered 18, thence due west astronomically along the south limit of said Township 78 chains 72 links to the southwest angle thereof, thence due north astronomically to the Albany River or northern boundary of the Province, thence northeasterly down the Albany River along the northern boundary of said Province to James Bay, thence southeasterly along the shore of James Bay forming the northern boundary of said Province to the boundary line between the Territorial Districts of Algoma and Nipissing, thence due south astronomically

mically along said territorial boundary to the northeast angle of the Township of Humboldt, thence due west astronomically along the north limit of the Townships of Humboldt and Carlyle and along the south limit of Townships numbered 82 and 90 to O. L. Surveyor Salter's second Meridian Line, thence due south astronomically along said Meridian Line 1 mile, more or less, to the water's edge of Lake Huron, thence westerly along the north shore of Lake Huron to the southwest angle of the Township of Harrow or place of beginning, and to include also all the islands in Lake Huron and the Georgian Bay of said lake lying between the eastern limit of the Township of Humboldt and the western limit of the Township of Harrow, not included in the Provisional Judicial District of Manitoulin.

Second:—That part of the Territorial District of Nipissing included within the following limits:—

Commencing at the water's edge of the Georgian Bay near the most westerly mouth of the French River where the same is intersected by the territorial boundary between the Districts of Nipissing and Algoma; thence north astronomically along the said territorial boundary a distance of seventy miles more or less to the northwest angle of the Township of Creelman; thence due east astronomically along the north boundary of said Township six miles more or less to the northeast angle thereof; thence due south astronomically along the east limit thereof six miles more or less to the northwest angle of the Township of Parkin; thence due east astronomically along the north boundary of the Townships of Parkin, Aylmer, Mackelcan and McCarthy a distance of twenty-five miles more or less to the northeast angle of the latter; thence due south astronomically along the east limit of said Township of McCarthy six miles more or less to the northwest angle of the Township of McNish; thence due east astronomically along the north boundary of said Township six miles more or less to the northeast angle thereof; thence due south astronomically along the east boundary of the Townships of McNish, Janes, Henry, Ratter, Dunnett, Casimir, Haddo and Martland, a distance of forty-eight miles more or less to the north boundary of the Township of Scollard; thence due east astronomically along the north boundary of said Township of Scollard six miles more or less to the northerly bank of the French River; thence due south astronomically to the main channel of the French River or southern boundary of such Territorial District of Nipissing; thence westerly down stream along the main channel of said River and along the channel which runs north of the more northerly of the two islands on which the town plot of Coponaning has been laid out to said Georgian Bay; thence westerly crossing the most westerly mouth of said River to the north shore of said Bay; thence westerly along the north shore of the said Bay to the place of beginning.

District town. 2. The Town of Sudbury shall be the district town of the said district.

Rev. Stat.
c. 109 amended. 3. Subsection 2 of section 9, subsection 1 of section 10 and subsection 1 of section 11 of *The Unorganized Territory Act* are amended by inserting the words "and of Sudbury" after the words "Rainy River" in each of the said subsections.

Sittings of
Courts. 4. Sittings of the District Court and of the General Sessions of the Peace shall be held each year at Sudbury on the 1st Tuesday of the months of June and November.

Application of
Rev. Stat.
c. 109. 5. The said territory comprised within the said Territorial District of Sudbury shall from and after the date named for this Act taking effect be formed into a provisional judicial district by the name of "the Provisional Judicial District of Sudbury" as if the same had been so declared by the Lieutenant-Governor under *The Unorganized Territory Act* and the enactments contained in the said Act relating to provisional judicial districts formed by proclamation shall apply to the said District except where inconsistent with this Act.

Rev. Stat.
c. 109, s. 22,
amended. 6. Section 22 of *The Unorganized Territory Act* is amended by inserting the word "Sudbury" after the words "Sault Ste. Marie" in the 3rd line of the said section.

Rev. Stat.
c. 109, s. 32,
subs. 1,
amended. 7. Subsection 1 of section 32 of *The Unorganized Territory Act* is amended by inserting the word "Sudbury" after the words "Rainy River" in the 2nd line of the said subsection.

Rev. Stat.
c. 109, s. 33,
amended. 8. Section 33 of *The Unorganized Territory Act* is amended by inserting the words "or in the District of Sudbury" after the words "Rainy River" in the 4th line of the said section.

Appointments,
etc., may be
made before
Act comes into
force. 9. Any appointments to be made under this Act and any security to be given or oaths taken, may be made, given or taken at any time after the passing hereof.

Act to be
brought into
force by
proclamation. 10. The preceding section of this Act shall go into force on the passing hereof and the other parts of this Act shall come into force at such time as may be named by order of the Lieutenant-Governor in Council. After the day named by said Order in Council and until a district judge shall be appointed for the Provisional Judicial District of Sudbury, except where it is by this Act otherwise provided, the judges of the Provisional Judicial Districts of Algoma, Manitoulin and Nipissing and all other officers shall have

have jurisdiction and authority in respect of all matters and things in the said Provisional Judicial District of Sudbury, and also in the Provisional Judicial Districts of Algoma, Manitoulin and Nipissing as at present.

11. This Act shall so far as it may be necessary to give effect thereto be read with and as part of *The Unorganized Territory Act*. Act incorporated with Rev. Stat. c. 109.

12. There are hereby established for the said district a District Court and a Surrogate Court. The District Court is to be presided over by a judge to be appointed in accordance with the provisions of section 6 of *The Unorganized Territory Act* and the district judge shall be the Judge of the Surrogate Court. Courts established.

13.—(1) Sittings of the High Court for the trial of civil and criminal cases and for other purposes shall be held twice a year at the district town on such days as may be from time to time appointed therefor by the Judges of the High Court. If the Judges of the High Court ascertain on any occasion that any sitting is not required for the due administration of justice it shall not be necessary to appoint a day for the holding thereof. Sittings of High Court.

(2) In case the sittings are to be held the Judges of the High Court or some of them shall issue the necessary precepts for the summoning of grand and petit jurors.

14.—(1) The Clerk of the District Court shall be *ex-officio* Local Registrar of the High Court. Clerk of district court to be local registrar.

(2) In case after the appointment thereto is made the office of Clerk of the District Court becomes vacant the Clerk of the Division Court at the district town shall be *ex-officio* Clerk of the District Court until another appointment is made. The said Division Court Clerk may be appointed Clerk of the District Court either in the first instance or subsequently in case a vacancy occurs. Clerk of division court to act until clerk of district court appointed.

(3) The said officers shall keep their offices and subject to section 85 of *The Unorganized Territory Act* the sittings of the District Court shall be held at Sudbury. Officers to keep their offices at Sudbury.

15. Sections 75 and 76 and sections 78 to 83 of *The Unorganized Territory Act* shall apply to the said District of Sudbury from and after the date to be named in the proclamation of the Lieutenant-Governor in Council in that behalf and until such date instruments affecting lands in the said portions of Algoma and Nipissing comprising the District of Sudbury shall be dealt with as if this Act had not been passed, and the said section 76 is further amended Application of Rev. Stat. c. 109, ss. 75-76, and 78-83.

ed by inserting the words "or Sudbury" after the word "Algoma" in the third line of the said section.

Local Masters
of Titles
at Sault Ste.
Marie and
North Bay to
deliver all
books to Local
Master of Titles
at Sudbury.

16.—(1) Upon the day named in the said proclamation or as soon thereafter as practicable the Local Masters of Titles at Sault Ste. Marie and North Bay shall deliver to the Local Master of Titles at Sudbury all books which have been kept exclusively for any territory included in the District of Sudbury and shall after the passing of this Act whenever so instructed by the Master of Titles re-enter from the present registers for their said districts into separate registers all subsisting entries of titles of lands and of mortgages of lands which are situate in the said District of Sudbury and which are entered in books which have not been kept exclusively for lands included in the District of Sudbury.

(2) Each of the said Local Masters at Sault Ste. Marie and North Bay shall, whenever instructed as aforesaid, transfer to a separate book all subsisting entries of Cautions lodged with him under section 85 of *The Land Titles Act* which affect lands included in the District of Sudbury, and shall also enter into proper books such entries in his procedure book and other books or registers as the Master of Titles may deem requisite for the proper conduct of the Land Titles Office at Sudbury; and the said books shall likewise be delivered at the said time to the Local Master at Sudbury.

Local Masters
of Titles to de-
liver instru-
ments to Local
Master of Titles
at Sudbury.

17. The Local Masters of Titles at Sault Ste. Marie and North Bay shall also deliver as aforesaid to the Local Master of Titles at Sudbury all original instruments filed or registered with them which relate exclusively to lands included within the said District of Sudbury and certified copies of all such instruments relating to land in the said district as well as to lands in the remaining parts of the Districts of Algoma or Nipissing as the Master of Titles shall direct.

Duty of local
master of titles
at Sudbury.

18. The Local Master of Titles at Sudbury may enter in the registers all instruments so delivered to him which have not been entered in the registers and may complete the entries which have not been completed in respect of any such instrument and may date all such entries as they would have been dated if the entries had been made and completed by the Local Masters of Titles at Sault Ste. Marie and North Bay and may continue and complete all applications, proceedings and matters pending before the Local Masters of Titles at Sault Ste. Marie or North Bay respecting land in the said District of Sudbury.

19.--(1) The Local Masters of Titles at Sault Ste. Marie and North Bay shall also deliver as aforesaid to the said Local Master at Sudbury certified copies of all writs of execution in force in their hands.

Writs of execution to be delivered to Local Master of Titles at Sudbury.

(2) Every such copy shall have written thereon a memorandum of the time of the receipt thereof by the Local Master of Titles at Sault Ste. Marie or North Bay as the case may be.

(3) Such copies shall have the same effect and shall be dealt with in the same manner as if they had been furnished by the Sheriff to the Local Master of Titles at Sudbury and shall at the time of their delivery as aforesaid have the same priority as at the time of their delivery as aforesaid they respectively held in the office at Sault Ste. Marie or North Bay, as the case may be.

20. Where the effect of a copy of a writ has been varied by a subsequent certificate of the Sheriff or by an order of court the Local Master of Titles at Sault Ste. Marie or North Bay shall also deliver as aforesaid a certified copy of such certificate or order to the Local Master of Titles at Sudbury.

Variance of writ to be certified to Local Master of Titles.

21.--(1) In case the Local Master of Titles at either Sault Ste. Marie or North Bay shall at any time ascertain that through oversight or otherwise any parcel of land within the District of Sudbury had been erroneously omitted from the register or registers prepared under section 16 he shall prepare a true copy of the subsisting register of any such parcel and shall append thereto a certificate stating that such copy is a true copy of the register of the land therein described and such Master shall also state in such certificate whether or not there is in such office a copy of any execution which affects such land, and if there is any such execution shall give the particulars thereof and shall deliver the copies so prepared to the Local Master at Sudbury.

Correction of errors in registers.

(2) Where through oversight the title to any land is registered in the wrong district, the Local Master of Titles for the district in which such land is registered shall prepare a true copy of the subsisting register of such land and shall append thereto a certificate as in this section mentioned, and shall deliver the same to the Local Master of Titles of the district in which such land is situate.

22. Where a Local Master of a district delivers a certified copy of the register of any parcel of land he shall when the parcel in his register includes land in one of the other district

Varying certificates when lands in another district.

districts vary his certificate by stating that the said copy is a true copy of the register so far as the same relates to land in the other district, naming it, and shall vary the copy accordingly.

Entry of
transfer of
lands to
another
district.

23. The Local Master of Titles shall thereupon note in the register of the parcel that the land affected by his certificate has been transferred to the other district.

Registering
owner of land
subject to
charges.

24. The Local Master of Titles receiving a copy certified under sections 22 or 23 shall thereupon register as owner of such parcel of land, the person who by such copy appears to be the owner thereof subject to the various charges, cautions, inhibitions, qualifications and other incumbrances affecting the same appearing in the said copy and shall also enter as an incumbrance in the register of the parcel any execution affecting such land mentioned in the said certificate.

CHAPTER 26.

An Act respecting Fines, Penalties, and Forfeitures.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Where a pecuniary fine, penalty or forfeiture is imposed for a contravention of an Act of the Legislature of Ontario and no other provision is made for the recovery thereof, the fine, penalty or forfeiture shall be recoverable with costs by a civil action at the suit of the Crown or of any person suing as well for the Crown as for himself before any Court of competent jurisdiction upon the evidence of one credible witness other than the person interested.

Recovery of penalties by action.

(2) If no other provision is made and the recovery is at the suit of the Crown the fine, penalty or forfeiture shall belong to the Crown, and if at the suit of a private party then one half shall belong to him and the other half shall belong to the Crown. R.S.O., c. 1, s. 8, par. 30.

Application of penalty.

2. Where the amount of the fine, penalty or forfeiture is in the discretion of the Court or Judge or in case the Court or Judge has power to impose imprisonment in addition to or in lieu of the fine, penalty or forfeiture, and no other mode of recovery is prescribed, the penalty or forfeiture may be recovered upon indictment in the High Court of Justice or General Sessions of the Peace. R.S.O., c. 1, s. 8, par. 31.

Recovery of penalties by indictment.

3. Where by an Imperial Statute in force in Ontario a pecuniary fine, penalty or forfeiture is imposed in respect of a matter within the legislative authority of this Legislature and the whole or part of the fine, penalty or forfeiture is in any manner appropriated for the support of the poor or to any parochial or other purpose inapplicable to Ontario, the fine, penalty or forfeiture or the part thereof

Application of penalties imposed under certain Imperial Acts.

so appropriated shall belong to the county, or city or town separated from the county, in which the conviction has taken place, and in case a conviction has taken place in some part of the Province without county organization then the fine, penalty or forfeiture shall belong to the Crown. R.S.O., c. 107, s. 1.

Fines, etc., to
be paid into
consolidated
Revenue Fund.

4. Every pecuniary fine and penalty imposed for a contravention of any Statute in force in the Province and the proceeds of every forfeiture imposed and given to the Crown by any such Statute shall where the disposal thereof is within the power of the Legislature, and except so far as other provision is made in respect thereto be paid to the Treasurer of the Province and shall form part of the Consolidated Revenue Fund. R.S.O., c. 107, s. 2; 1 Edw. VII. c. 12, s. 12.

Remission of
penalty by
court or Judge.

5.—(1) Where a pecuniary fine, penalty or forfeiture is imposed by any Act of the Province of Ontario the Court or Judge having cognizance of the proceedings for the recovery thereof may at any time after the commencement thereof remit in whole or in part such fine, penalty or forfeiture whether the money is in whole or in part payable to the Crown or to some person other than the Crown and whether the same is recoverable by indictment, information, summary process, action or otherwise. R.S.O., c. 108, s. 1.

Authority not
extended to
justices of the
peace.

(2) This section shall not be held to give to a Police Magistrate or Justice of the Peace the authority herein mentioned. R.S.O., c. 108, s. 2.

Remission of
penalties by
Lieutenant-
Governor in
Council.

6. The Lieutenant-Governor in Council may at any time remit any fine, penalty or forfeiture mentioned in the next preceding section in whole or in part unless the same is imposed by *The Act respecting the Legislative Assembly*, or by some Act respecting the election of members to the Legislative Assembly or is recoverable in respect of any offence committed in connection with any such election. R.S.O., c. 108, s. 3.

Costs not to
be remitted.

7. Nothing herein contained shall authorize the remitting of costs incurred up to the time of remitting the penalty or forfeiture.

Rev. Stat.
cc. 107, 108,
repealed.

8. Chapters 107 and 108 of the Revised Statutes of Ontario, 1897, are repealed.

CHAPTER 27.

An Act respecting Mortgages of Real Estate.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. When in any mortgage or charge coming due after the passing of this Act provision is made that if interest is paid promptly it will be accepted at a lower rate than that provided in such mortgage, and interest at such lower rate has been paid according to such condition up to the time when all the principal money is payable, any person liable to pay or entitled to redeem the same shall be entitled to pay the principal money and interest on the same at such lower rate at any time after the time for payment of the principal money on giving three months' notice of his intention to make such payment or on paying three months' interest at such lower rate in lieu of notice. Paying off mortgage when provision made for a lower rate for punctual payment.
2. If the mortgagor, or party entitled to make such payment, fails to pay the same at the time mentioned in such notice, he shall thereafter only be entitled to make such payment on paying the principal and interest at the lower rate to the date of payment, together with three months' interest in advance. Mortgagor failing to pay according to notice.

CHAPTER 28.

An Act to amend The Act respecting Investments by Trustees.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., 130.
s. 5, subs. 1,
amended.

1. Subsection 1 of section 5 of *The Trustee Investment Act* is repealed and the following substituted therefor:—

Investments in
terminable
debentures in
certain
companies.

(1) It shall be lawful for a trustee unless expressly forbidden by the instrument (if any) creating the trust, to deposit with or to invest any trust funds in his hands in terminable debentures or debenture stock of the hereinafter mentioned societies and companies, provided that such deposit or investment is in other respects reasonable and proper, and that the debentures are registered and are transferable only on the books of the society or company in his name as the trustee for the particular trust estate for which they are held in such debentures or debenture stock as aforesaid, and that the deposit account in the company's ledger is in the name of the trustee for the particular trust estate for which it is held and the deposit receipt or pass-book is not transferable by endorsement or otherwise.

CHAPTER 29.

An Act to amend The Registry Act.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 9 of *The Registry Act* is amended by striking out the words inserted herein by section 3 of the Act passed in the first year of His Majesty's reign, Chaptered 15 and by inserting after the word "repair" in the eleventh line thereof the words "and properly heated and lighted and ventilated."
Rev. Stat., c. 136, s. 9, amended.

2. Subsection 2 of section 26 of the said Act is amended by striking out the first two lines and inserting in lieu thereof the words "The Registrars for the East Division of the City of Toronto, the West Division of the City of Toronto, the County of York, the County of Wentworth, the City of Ottawa, and the City of London or."
Rev. Stat., c. 136, s. 26, subs. 2, amended.

3. Subsection 3 of section 29 of the said Act as enacted by section 1 of Chapter 16 of the Acts passed in the 62nd year of the reign of Her late Majesty Queen Victoria and amended by section 1 of Chapter 19 of the Acts passed in the 63rd year of the said reign is amended by adding after the word "administration" in the third line the words "claim for lien as provided in subsection 3 of section 17 of *The Mechanics' and Wage Earners' Lien Act* when the said claim is against lands which constitute the line of railway or right of way of a railway company" and by inserting the following clause after the present clause (e) of said subsection:—

- (f) The words "local description" wherever the same occur in this subsection shall mean a local description.
general description of lands sufficient to enable the same to be traced or ascertained by a Surveyor.
Meaning of "local description."

11. Subsection 1 of section 100 of *The Registry Act* as amended by section 9 of the said chapter 16, is hereby further amended by adding thereto the following clause:—

Rev. Stat.,
c. 136, s. 100,
subs. 1,
amended.

(a) On every such plan the lots or parcels described and designated thereby shall be so described and designated by numbers, letters or words, and so as that there shall not be more than one lot on such plan described and designated by the same number, letter or word, notwithstanding that the lots or parcels are on different sides of the same street or on different streets or in different blocks, and where the designation is by numbers the lots or parcels shall be numbered consecutively.

Plans.

12. Subsection 1 of section 111 of the said Act is amended by adding thereto the following clause:—

Rev. Stat.,
c. 136, s. 111,
subs. 1,
amended.

(c) Upon the production to the Registrar of a certificate signed by the head of the municipal council concerned certifying that a surveyor has been employed by the council to prepare a plan for registration under this subsection, the surveyor named in such certificate shall be entitled, within the space of six months from the date thereof, to make personal searches of the books, plans and original instruments in the registry office for the purpose of enabling him to prepare such plan on payment of the ordinary fees payable for searches and productions under the provisions of this Act up to an aggregate amount not exceeding \$25 and for all further searches and productions in excess of \$25, on payment of one-half of the ordinary fees herein provided.

Right of
surveyor to
make searches.

13. Section 112 of the said Act is amended by inserting in the fourth line thereof after the word "map" the words "certified to be such duplicate by the surveyor who prepared the plan or map," and by striking out after the word "shall" in the seventh line of the said section the words "upon request and" and by inserting the word "Clerk" before the word "Treasurer" in the ninth line of the said section.

Rev. Stat. c.
136, s. 112
amended.

14. Subsection 1 of section 118 of the said Act is amended by adding at the end thereof the following words:—"Up to 100 entries and where the instrument embraces more than 100 lots or parcels of land in the same municipality, the registrar shall be allowed an additional fee of 2 cents for entering each lot or parcel in excess of 100."

Rev. Stat.,
c. 136, s. 118,
Subs. 1,
amended.

15. Subsection 2 of section 118 of the said Act is amended by inserting after the word "originally" in the second line thereof the words "surveyed or."

Rev. Stat.,
c. 136, s. 118
subs. 2,
amended.

Rev. Stat.,
c. 136, s. 118,
subs. 16,
amended.

16. Subsection 16 of section 118 of the said Act as added by section 22 of the said chapter 16, is hereby amended by inserting after the word "instrument" in the second line of the said subsection the word "document," and also by inserting after the word "office" in the third line of said subsection the words "or requires the registrar to perform for another person any other duty in said registry office."

Rev. Stat.,
c. 136, s. 125,
amended.

17. Section 125 of the said Act is amended by inserting after the word "city" in the second line thereof, the words, "or a town containing over 5,000 inhabitants or the clerk or assessor of any other municipality" and by inserting after the word "property" in the third line the words "in the municipality."

Rev. Stat.,
c. 136, s. 131,
amended.

18. Section 131 of the said Act is amended by inserting after the figures "106" in the fifth line of the said section the words and figures "or section 125."

Rev. Stat.,
c. 136, s. 139a,
amended.

19. Section 139 (a) of the said *Registry Act*, enacted by section 1 of Chapter 15 of the Acts passed in the first year of the reign of His present Majesty, is hereby amended by inserting after the word "providing" in the fourth line of the said section the word "adequate."

CHAPTER 30.

An Act to amend The Land Titles Act.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council may name one or more barristers experienced in conveyancing to whom the Master of Titles may refer the examination of the title, in whole or in part, of any property in respect of which an application is filed, and the Master may act upon the opinion of such referee.

Employment of counsel for examination of titles.
Imperial Land Transfer Rules of 1903, Nos. 86 and 313.

2. Section 19 of *The Land Titles Act* is amended by adding the following as subsection 5 thereof:

Rev. Stat. c. 138 amended.

(5) Section 8 shall apply to leasehold as well as to freehold land.

Trustees of leasehold land.

3. Section 21 of the said Act is amended by inserting "then" after "registered" in the second line of clause 4.

Rev. Stat. c. 138, s. 21 amended.
Registered owner of leasehold.

4. Section 26 is amended by repealing clauses numbered 1 and 2 thereof and substituting the following therefor:

Rev. Stat. c. 138, s. 26.

Statutory or municipal taxes, charges, rates or assessments, school or water rates; unless so far as the contrary is stated in the register.

Land to be registered subject to taxes.

5. Section 30 of the said Act is amended by adding at the end of subsection 2 the following: "The death of the person who has signed the requisition or certificate shall not revoke or otherwise affect the same."

Rev. Stat. c. 138, s. 30 amended.
Death of person requesting discharge of mortgage, etc.

6. Section 40 of the said Act is amended by adding the following as subsection 4 thereof:

Rev. Stat. c. 138, s. 40 amended.

(4) The death of the person who has signed the requisition or certificate shall not revoke or otherwise affect the same.

Death of person certifying to cessation of charge.

Rev. Stat.
c. 138, s. 67
amended.
Registry of
sale under
execution.

7. Section 67 of the said Act is amended by striking out the words following, "and on proof to his satisfaction of "the payment of all municipal taxes, except the taxes for "the current year, and of all charges, rates or assessments "imposed for local improvements and due or payable up to "the end of the preceding year."

Rev. Stat. c.
738 s. 72
amended.
Imp. Act 60-65
V. c. 65, Sched.
s. 50.

8. Section 72 of the said Act is amended by striking out the words "made subsequently to the last entry of ownership on the register."

Rev. Stat. c. 138
s. 73 amended.

9. Section 73 of the said Act is amended by repealing the first five lines of subsection 1 thereof and substituting the following:

Notice of
lease—registra-
tion of.

"In case the lease is by the registered owner of the land, the Master may without notice to him enter in the register such notice thereof as he deems necessary. Where the lease is not by the registered owner but the title of such owner appears to be subject thereto, or in the case of an agreement for a lease, the Master upon notice to such owner may enter notice of the lease or agreement in the register; and the applicant shall deliver."

Rev. Stat. c. 138
s. 75 amended.
Effect of
registration of
caution.

10. Section 75 of the said Act is amended by inserting after "owner" in the fifth line the words "or other named person who is shown to have an interest in the land."

Rev. Stat. c. 138
s. 77 amended.
Registered
owner object-
ing to regis-
tration of
transferee.

11. Section 77 of the said Act is amended by inserting "or a charge" after "transfer" in the second line, and by inserting "or chargee" after "transferee" in the fourth line.

Rev. Stat.
c. 138, ss. 78
and 79
amended.

12.—(1) Section 78 of the said Act is amended by adding thereto the words "or make such other order as he deems just."

Registered
dealings de-
layed on
security being
given.

(2) Section 79 is amended by striking out after "a caution against registered dealing has ceased to have effect" and by inserting "by any other person" after "or" in the second line.

Rev. Stat.
c. 138, s. 82
amended.
Imp. Act 60-65
V. Sched. s. 58.
Entering
restrictions on
register.

13.—(1) Section 82 is amended by striking out "for his own sake or at the request of some person beneficially interested in such land" and by adding the following as subsection 2 thereof:

(2) This section shall apply to charges as well as to land.

Rev. Stat.
c. 138, s. 93
amended.

14. Section 93 is amended by adding the following as subsection 2 thereof:

(2) The Master may in like manner refer to the court any question arising upon any application with respect to registered land; and the court shall have in relation to such reference the same powers as it has upon a reference under the preceding subsection.

Reference of questions to Court.

15.—(1) Section 102 of the said Act is amended by adding the following as subsections 2 and 3 thereof:

Rev. Stat. c. 138, s. 102 amended.

(2) Where an easement in respect of unregistered land is granted as appurtenant to registered land, the Master may, after such examination as he deems necessary, enter such easement in the register of the dominant land with a declaration that the title thereto is absolute or possessory, or otherwise as the case may require, and shall cause to be registered in the proper registry division a certificate of such entry.

Registration of easements when dominant land registered.

(3) Where an easement in respect of registered land is granted as appurtenant to unregistered land the Master may issue a certificate setting out such easement and the land to which it is appurtenant, in order that the same may be registered in the registry division in which the land is situated and shall note in the register that such certificate has been issued.

Certificate of easement when dominant land unregistered.

16.—(1) Section 104 of the said Act is amended by substituting for the first four lines thereof the following: "There may be registered as annexed to any land which is being or has been registered, subject to general rules and in the prescribed manner."

Rev. Stat. c. 138, s. 104 amended. Annexation of conditions or covenants to registered land.

(2) The said section is further amended by adding the following as subsections 3 and 4 thereof:

Rev. Stat. c. 138, s. 104 amended.

(3) The entry in the register of a condition or covenant as running with or annexed to land shall not make it run with the land, if such covenant or condition on account of its nature, or of the manner in which it is expressed, would not otherwise be annexed to or run with the land.

Covenants or conditions running with land.

(4) Where a condition or covenant has been entered in the register as annexed to or running with land, and a similar condition is contained in a subsequent transfer or a similar covenant is in express terms entered into with the owner of the land by a subsequent transferee, or *vice versa*, it shall not be necessary to repeat such condition or covenant in the register or to refer thereto, but the Master may upon a special application enter such condition or covenant either in addition to or in lieu of the condition or covenant first mentioned.

Subsequent transfers.

17. Section 130 of the said Act is amended by adding the following thereto as subsection 8 thereof:

Rev. Stat. c. 138, s. 130 amended.

Imp. Act,
60-61 V. c. 65,
s. 7 (2).
Rectification
of register.

(8) Where a registered disposition would if unregistered be absolutely void, or where the effect of the error would be to deprive a person of land of which he is in possession, or in receipt of the rents and profits, the master may, in the first instance or after a reference to the court, rectify the register, and in case of such rectification the person suffering by the rectification shall be entitled to the compensation provided for by this section.

Rev. Stat.
c. 138, s. 132,
amended.
Remedy when
wrongfully
deprived
of land.

18. Section 132 of the said Act is amended by inserting "through fraud" after the word "owner" in the fourth line thereof.

Rev. Stat.,
c. 138, s. 160,
amended.

19. Section 160 of the said Act is amended by adding thereto the following subsection 4:

Extension of
application of
Act on petition
of owners.

(4) In case not less than twenty ratepayers of any county in which is situated a city or town to which the provisions of this Act have been extended, who are owners of land situate in such county of the aggregate assessed value of \$400,000, petition the Lieutenant-Governor in Council for the issue of a proclamation extending the provisions of this Act to the said county, and the Lieutenant-Governor by Order in Council declares that it is expedient that the same should be so extended, then the provisions of subsection 2 of this section and of section 161 of this Act shall apply to such county as fully as they would have been applicable had a by-law been passed by the county council. In such case the Local Master shall not be entitled to be paid a salary, unless the County Council shall pass a resolution for the payment to him of a salary to be provided by the county, but such Local Master shall be entitled to retain for his own use the fees collected upon proceedings in his office. Provided also that all costs and expenses incurred in introducing the Land Titles system into the county, or incurred during one year thereafter in connection therewith, shall be paid by the said petitioners. The owners of land which is assessed as land of non-residents shall be deemed ratepayers within the meaning of this subsection.

Rev. Stat.
c. 138, s. 168,
amended.
Inspector of
land titles
offices.

20. Section 168 of the said Act is amended by striking out the words "as soon as this Act applies to ten counties, cities or towns aforesaid" at the beginning thereof.

Rev. Stat.
c. 138, s. 171,
amended.
Assurance
fund.

21. Section 171 of the said Act is amended by adding at the end of subsection 2 the following words, namely: "but this shall not prevent the registration of a transfer made upon a sale for taxes, or upon a winding-up of a company, or under execution, in case the whole parcel is thereby transferred.

22. Section 172 of the said Act is amended by striking out all of subsection 1 after the word "owner" in the fourth line, and so much of the said section as relates to taxes is hereby repealed.

Rev. Stat.
c. 138, s. 172,
Notice of
master
treasurer.

23.—(1) Section 7 of the Act passed in the third year of His Majesty's reign and Chaptered 12, is amended by inserting before "applications" in the first line the words "until an Inspector of Land Titles offices is appointed," and by adding thereto the following as subsection 2 thereof:

3 Edw. VII.
c. 12, s. 7,
amended.
First registra-
tion districts.

(2) This section shall not apply to applications for a possessory title, or for the registration of leaseholds where the freehold or other estate out of which the lease is derived is registered land, or where a declaration of the title of the lessor to grant the lease is not required.

CHAPTER 31.

An Act to amend The Surveys Act.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.
c. 181, s. 14,
subs. 3
amended.

1. Subsection 3 of section 14 of *The Surveys Act* is hereby amended by adding at the end of such subsection the following words "and for the purpose of establishing such two nearest points or places the surveyor who makes the survey may, if necessary, survey farther than the points mentioned in the council's application."

Rev. Stat.
c. 181, s. 14,
subs. 5,
amended.

2. Subsection 5 of the said section 14 is hereby amended by inserting at the end of such subsection 5, the words following: "or the council may without a previous estimate levy on the said proprietors in the proportions aforesaid the amount of the expense when the same shall have been incurred and ascertained and the certificate of the Minister of Lands, Forests and Mines certifying the amount of such expense shall be conclusive."

Rev. Stat.
c. 181, s. 14
amended.

3. The said section 14 is hereby further amended by adding thereto the following subsection 6 thereof:—

Payment of
expenses by
township.

(6) Where an application is made by a council upon its own motion, such council may if it deems the application to be in the public interest in assisting to determine the boundaries or limits of any public road or highway or the like pay out of the general funds of the township either the whole of the said expense or such portion thereof as the council may deem proper and in the event of the council paying only part of the expense out of the general funds the council may order that the remainder of the expense may be levied on the said proprietors in the proportion and manner aforesaid.

CHAPTER 32.

An Act respecting Stationary Engineers.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act “steam plant” shall mean and include a steam boiler, boiler and steam engine and every part thereof and thing connected therewith or used with reference to any such boiler or engine or under the care of an engineer, but nothing in this Act contained shall apply to the operation of any steam plant having a capacity of less than fifty horse power, nor to steam heating plants operating at a pressure of twenty pounds or under, nor to the operation of a locomotive engine or steamboat or steamship engine. “Steam Plant” meaning of.

(2) “The Board” shall mean the Board of Examiners to be appointed as hereinafter provided. “The Board” meaning of.

2. The Lieutenant-Governor in Council may from time to time appoint a Board of Examiners consisting of three competent and independent engineers practically conversant with the construction of boilers and the operation of steam plants, who shall hold office during pleasure and who shall, subject to the regulations referred to in the next section, prescribe the subjects in which candidates for certificates of qualification as stationary engineers shall be examined, and who shall conduct examinations of candidates or provide for and supervise the examination of candidates and report thereon to the Minister of Agriculture. Appointment of Board of Examiners.

3. The Lieutenant-Governor in Council upon the recommendation of the Minister of Agriculture may from time to time make regulations: Government regulations.

(a) For the examination of candidates for certificates of qualification, the granting of such certificates and the evidence to be furnished by candidates Examinations and Certificates.

didates as to previous training or experience and sobriety and as to good character;

Duration of
Certificates.

(b) For determining the time of continuance of such certificates and the renewal of the same;

Fees of
candidates.

(c) For fixing the fees to be paid by such candidates upon any such examination or for any certificate of qualification or renewal thereof;

Prescribing
causes for
cancellation

(d) For prescribing the causes for which any certificate may be revoked, cancelled or suspended;

Remuneration
of Board and
Staff.

(e) For fixing the fees or other remuneration to be paid to the members and staff of the Board.

Issue of
certificates.

4.—(1) Upon the recommendation of the Board the Minister of Agriculture may issue certificates of qualification to stationary engineers on payment of the prescribed fees.

Cancelling
certificates.

(2) Certificates of qualification may be cancelled at any time for good and sufficient reasons.

Annual
registry.

(3) Every stationary engineer shall, during the continuance of his certificate register with the Board on or before the 1st day of February of each year on a form to be furnished by the Board, and any stationary engineer who fails to comply with this regulation shall not be allowed to continue in charge of a steam plant unless by special permission of the Board.

Unqualified
person not to
act.

5. No person who is not a holder of a certificate of qualification under this Act shall operate or have charge of any steam plant in the Province of Ontario after the first day of July, 1908; provided that in case of emergency a person not the holder of a certificate may be employed in operating any steam plant for a period not exceeding thirty days at any one time.

Who entitled
to certificate.

6. Every engineer who at the time of the passing of this Act holds a certificate of qualification from any association of stationary engineers in the Province of Ontario,

Or who is the holder of a marine or locomotive engineer's certificate,

Or who shall be in charge of any steam plant of twenty-five horse power or over operating in the Province of Ontario,

Or who has had at least two years' experience in the operation of a steam plant of twenty-five horse power or over in the Province of Ontario,

And who applies to the Board shall, upon furnishing such evidence of good character and sobriety as the Board

may

may require and upon payment of the prescribed fee be entitled to receive a certificate of qualification from the Board.

7. The certificate held by any person under this Act shall at all times be exposed to view in the engine or boiler room in which such person is employed, and failure to keep such certificate exposed shall be *prima facie* evidence of the lack of qualification under this Act.

Certificate to be exposed in engine room.

8. The provisions of this Act shall not apply to firemen or other workmen acting under the personal direction and supervision of any duly licensed or certificated engineer who is actually in charge of a steam plant, nor shall it apply to the employees of engine builders or steam plant contractors engaged in installing, setting up or testing boilers or steam plants.

Firemen and other workmen not within act.

9. Any person who feels himself aggrieved by the decision of the Board of Examiners may appeal therefrom to the Minister of Agriculture, upon giving such notice as the Minister may prescribe, and the decision of the Minister of Agriculture shall be final.

Appeal to Minister of Agriculture.

10. The Board of Examiners shall make a report in writing to the Minister of Agriculture on or before the 31st day of December in every year showing:

Report of Board to Minister of Agriculture.

(a) The number of certificates granted by them during the preceding year, and the persons to whom the same were granted;

(b) The number of applications for certificates refused during the preceding year and the causes for refusal;

(c) The number of certificates revoked, cancelled or suspended during the preceding year, and the causes for the same;

(d) The amount of fees received by them from candidates or holders of certificates during the preceding year;

(e) Upon such other matters as may be directed by the Minister of Agriculture or the Lieutenant-Governor in Council.

11. Except as provided in section 5 of this Act every person who operates a steam plant as the engineer in charge thereof without the license or certificate required by this Act, and every person employing him or permitting him so to do shall be liable upon summary conviction to a penalty of not less than \$10 nor more than \$25 besides costs.

Penalty for operating without license.

Factory In-
spectors may be
appointed to
Board.

12. Nothing in this Act shall prevent any inspector appointed under *The Ontario Factories Act* from being appointed a member of the Board of Examiners, and it shall be the duty of the Inspectors of Factories, to assist in the enforcement of this Act, to report to the Board any violation of section 5 or section 7, and also to furnish to the Board such information as they may have from time to time as to the conduct and capability of any person holding a certificate from the Board or applying for the same.

Rev. Stat. c.
183 ss. 20-32 ;
6 Edw. VII c.
26 repealed.
Rev. Stat. c.
183, s. 19
amended.

13. Sections 20 to 32, both inclusive, of *The Act respecting Stationary Engineers*, as enacted by section 1 of the Act passed in the 6th year of His Majesty's reign, chaptered 26 are repealed and section 19 of the said *Act respecting Stationary Engineers* is amended by striking out the words added thereto by section 3 of the said Act passed in the 6th year of His Majesty's reign.

CHAPTER 33.

An Act to amend The Act respecting Pawnbrokers.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Act respecting Pawnbrokers* is amended by adding thereto the following words: “and every pawnbroker shall give to the municipality security to the satisfaction of the treasurer thereof in the sum of \$1,000, for the due observance by him of the provisions of this Act.” Rev. Stat. c. 188 amended.

“(2) A license or renewal may be refused without any cause assigned.”

2. Section 10 of the said Act is amended by inserting the words “and description” after the word “name” where it first occurs in the seventh line of the said section. Rev. Stat. c. 188, s. 10, amended.

3. Section 12 of the said Act is amended by inserting the words “and the rates of interest which may lawfully be charged” after the word “pawnbroker” in the tenth line of the said section. Rev. Stat. c. 188, s. 12, amended.

4. Section 13 of the said Act is repealed and the following substituted therefor:— Rev. Stat. c. 188, s. 13 amended.

13.—(1) When the sum lent is under \$20 the pawnbroker may take five cents for the note aforesaid. Charges for note.

(2) When the sum lent is \$20 and upwards he may take ten cents.

5. The said Act is further amended by adding thereto the following sections:— Rev. Stat. c. 188 amended.

Daily report to
police.

20a. Every pawnbroker shall before 10 o'clock in the forenoon of every business day report to the chief constable or to such other person or officer as may be designated by by-law of the municipality on forms to be furnished by the municipality a description of all articles received by him in pawn on the business day immediately preceding together with the number of the ticket issued therefor and the amount loaned thereon. Every person violating this section shall incur a penalty of \$40 to be recovered as provided in section 8.

Penalty.

Inspection by
police.

20b. The chief constable or an officer duly authorized by him or by the police magistrate in writing or any salaried government police officer may at all times inspect the premises occupied by pawnbrokers and shall have access to all books and papers and all articles in pawn, and the said chief constable or any such officer when engaged in such inspection may take with him any other persons as he may deem advisable.

Gold and silver
not to be
melted.

20c. No gold or silver which has been pawned or on which advances have been made, shall be melted on the premises of any pawnbroker unless specially authorized by the municipal council.

CHAPTER 34.

An Act respecting Joint Stock and other Companies.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Companies Act*. Short title.
R.S.O., c. 191, s. 1.

2.—(a) the word “corporation” in this Act includes all companies, whether with or without capital, and whether the capital thereof is divided into shares or not.

(b) The word “company” in this Act means only a company having a capital divided into shares.

PART I.

INCORPORATION, RE-INCORPORATION, AMALGAMATION.

3. The Lieutenant-Governor may, by Letters Patent, grant a charter to any number of persons, not less than five, of the age of twenty-one years, who petition therefor, constituting such persons and any others who have or may thereafter become subscribers to the memorandum of agreement hereinafter referred to, a body corporate and politic with or without capital divided into shares, for any of the purposes to which the authority of the Legislature of Ontario extends, except the construction or working of railways for public use within Ontario, the business of insurance, and of loan corporations within the meaning of *The Loan Corporations Act*. R.S.O., c. 191, s. 9.

Corporations formed for certain purposes may be incorporated by letters patent.

4.—(1) The applicants for incorporation of a company with capital divided into shares, may petition the Lieutenant-Governor, through the Provincial Secretary, for the grant of Letters Patent. The petition of the applicants shall show:

Petition for incorporation.

(a)

- Name.** (a) The proposed corporate name of the company;
- Object.** (b) The objects for which the company is to be incorporated;
- Head office** (c) The place within Ontario where the head office of the company is to be situated;
- Capital.** (d) The amount of the capital of the company, the number of shares, and the amount of each share;
- Names of applicants.** (e) The name in full, the place of residence and the calling of each of the applicants;
- Directors.** (f) The names of the applicants, not less than three, who are to be the provisional directors of the company.
- Form of Petition.** (2) The petition may be in the form or to the effect set out in Schedule "A" to this Act, and shall be accompanied by a memorandum of agreement, executed in duplicate in the form or to the effect set out in Schedule "B" to this Act.
- Memo. of agreement.**
- Petitioners to be bona fide holders for shares.** (3) Each petitioner shall be the *bona fide* holder in his own right of the share or shares for which he has subscribed in the memorandum of agreement.
- Petition may pray for insertion of special clauses in letters patent.** (4) The petition may ask to have embodied in the letters patent any provision which, under this Act might be embodied in any by-law of the company when incorporated. R.S.O., c. 191; s. 10.
- Petition for incorporation without share capital.** 5.—(1) The applicants for the incorporation of a corporation not having share capital may petition the Lieutenant-Governor through the Provincial Secretary for the Grant of Letters Patent. The petition of the applicants shall show :
- (a) The proposed corporate name of the corporation;
- (b) The objects for which the corporation is to be incorporated;
- (c) The place within Ontario where its objects are to be carried out;
- (d) The name in full, the place of residence and the calling of each of the applicants;
- Form of petition.** (2) The petition may be in the form or to the effect set out in Schedule "C" to this Act.
- Memorandum of agreement.** (3) The petition shall be accompanied by a memorandum of agreement signed by the petitioners setting out such regulations as may be deemed expedient—(1) for the selection of members, trustees, directors and officers; (2) for the holding of meetings of members, trustees and directors;

rectors; (3) for the establishment of branches; (4) for the payment of directors, trustees, officers and employees; (5) for the control and management of the affairs of the corporation. The memorandum shall be expressed in separate paragraphs numbered consecutively, and may be in the form or to the effect set out in Schedule "D" to this Act, and the petitioners may adopt all or any of its provisions or substitute others in lieu thereof.

6. The Lieutenant-Governor on any application for Letters Patent or Supplementary Letters Patent may give a different name to the corporation than that proposed and may vary the objects or other provisions or terms. *New.*

Change of name or terms of application.

7. Any corporation without share capital heretofore or hereafter incorporated upon the consent in writing of all the members of such corporation, may by by-law provide for the creation of a capital divided into shares and may provide for the allotment and payment of such shares and fix and prescribe the rights and privileges of the shareholders therein; Provided, however, that no such by-law shall be valid until confirmed by letters patent.

Creation of capital of corporation without share capital.

8.—(1) Any two or more corporations incorporated under the laws of this Province, and having the same or similar objects within the scope of this Act, may, in the manner herein provided, amalgamate, and may enter into all contracts and agreements necessary to such amalgamation.

Amalgamation of corporations;

(2) The corporations proposing to amalgamate as aforesaid, may enter into a joint agreement for the amalgamation, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the names, callings, and places of residence of the first directors thereof, and how and when the subsequent directors shall be elected, with such other details as may be necessary to perfect the amalgamation and the subsequent management and working thereof, and in cases of companies having capital divided into shares the number of shares of the capital, the amount of par value of each share, and the manner of converting the share capital of each of the said corporations into that of the new corporation.

Joint agreement between directors proposing to amalgamate, etc.

(3) The agreement shall be submitted to the shareholders or members of each of the said corporations at a general meeting thereof, called for the purpose of taking the same into consideration.

To be submitted to shareholders or members of each corporation.

(4) At such meetings of shareholders or members the agreement shall be considered, and if two-thirds of the votes of all the shareholders or members of each of such corporations

corporations

corporations are for the adoption of the agreement, then that fact shall be certified upon the agreement by the secretary of each of such corporations under the corporate seal thereof; thereupon the several corporations by their joint petition may, through the Provincial Secretary, apply to the Lieutenant-Governor for Letters Patent confirming the said agreement, and on and from the date of the said Letters Patent the said corporations shall be deemed and taken to be amalgamated and to form one corporation by the name in the Letters Patent provided, and the corporation so incorporated, shall possess all the properties real, personal and mixed, rights, privileges and franchises and be subject to all the liabilities, contracts, disabilities and duties of each of the corporations so amalgamated. R.S.O., c. 191, s. 103, ss. 1, 2, 3, 4.

Re-incorporation of corporation.

9. Any corporation incorporated for purposes or objects within the scope of this Act, whether under a special or general Act, and being at the time of its application a subsisting and valid corporation, may apply for letters patent under this Act; and the Lieutenant-Governor may grant Letters Patent incorporating the shareholders or members of the said corporation as a corporation under this Act. R.S.O., c. 191, s. 104.—1, *in part*.

Extension of powers on re-incorporation.

10. Where an existing corporation applies for the issue of Letters Patent under the provisions of the preceding section, the Lieutenant-Governor may, by Letters Patent, extend the powers of the corporation to such other objects as the applicant desires, name the first directors of the new corporation, and give to the new corporation the name of the old corporation or any other name. R.S.O., c. 191, s. 105.

Rights of creditors preserved.

11. All rights of creditors against the property, rights and assets of a corporation amalgamated or re-incorporated under the provisions of this Act, and all liens upon the property, rights and assets of such corporation, shall be unimpaired by such amalgamation, or re-incorporation, and all debts, contracts, liabilities and duties of such corporations shall thenceforth attach to the amalgamated or re-incorporated corporation and may be enforced against it to the same extent as if the said debts, contracts, liabilities and duties had been incurred or contracted by it. R.S.O., c. 191, s. 103, ss. 6.

No action to abate.

12. No action or proceeding shall abate or be affected by such amalgamation or re-incorporation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof. R.S.O., c. 191, s. 103, ss. 7.

13. Any corporation may from time to time pass by-laws by a vote of not less than two-thirds in value of those shareholders or members present in person or by proxy at a general meeting of the corporation duly called for considering the subject of such by-laws authorizing an application by petition to the Lieutenant-Governor, to direct the issue of Supplementary Letters Patent to the corporation, embracing any or all of the following matters:

- (a) Increasing or decreasing the capital; provided, however, that the capital of a company shall not be increased until ninety per centum thereof has been subscribed and ten per centum paid thereon, and further provided, that on a reduction of the capital of a company the liability of shareholders to persons who at the time of such reduction are creditors of the company shall remain as though the reduction had not been made. Varying capital stock.
- (b) Redividing the capital of the company into shares of smaller or larger amount; Re-dividing shares.
- (c) Extending the powers of the corporation to any objects which the corporation may desire; Extending powers.
- (d) Limiting or increasing the amount which the corporation may borrow upon debentures or otherwise; Limiting borrowing powers.
- (e) Varying any provision contained in the special Act or Letters Patent incorporating the corporation; Amending charter.
- (f) Making provision for any other matter or thing in respect of which provision might have been made had the corporation been incorporated under this Act. R.S.O., c. 191, s. 17-21, 102, 106. Making other provisions.

14. Before Letters Patent or Supplementary Letters Patent are issued the applicants shall establish to the satisfaction of the Provincial Secretary the sufficiency of the petition, memorandum of agreement, by-law, resolution and all documents filed on such application, and shall furnish such evidence of the *bona fides* of any application as he may deem necessary. R.S.O., c. 191, s. 12. Preliminary conditions to be established.

15.—(1) The Provincial Secretary, or any officer to whom the application may be referred, may for any purpose under this Act, take evidence in writing, under oath or affirmation. Proofs of matters under this Act.

(2) Proof of any matter which may be necessary to be made under this Act, may be made by statutory declaration, affidavit, or deposition before the Provincial Secretary

tary, or officer as aforesaid, or before any other person authorized to take affidavits. R.S.O., c. 191, s. 13.

Notice of
issuing letters
patent.

16. Notice of the granting of Letters Patent or Supplementary Letters Patent, shall be given forthwith by the Provincial Secretary in the *Ontario Gazette*, and the corporation shall be deemed to be existing from the date of the Letters Patent incorporating the same. R.S.O., c. 191, s. 15.

Powers inci-
dent to
company.

17. A company having share capital shall possess the following powers as incidental and ancillary to the powers set out in the Letters Patent or Supplementary Letters Patent:—

- (a) To carry on any other business (whether manufacturing or otherwise) which may seem to the company capable of being conveniently carried on in connection with its business or calculated directly or indirectly to enhance the value of or render profitable any of the company's property or rights;
- (b) To acquire or undertake the whole or any part of the business, property and liabilities of any person or company carrying on any business which the company is authorized to carry on, or possessed of property suitable for the purposes of the company;
- (c) To apply for, purchase or otherwise acquire, any patents, licenses, concessions and the like, conferring any exclusive or non-exclusive, or limited right to use, or any secret or other information as to any invention which may seem capable of being used for any of the purposes of the company, or the acquisition of which may seem calculated directly or indirectly to benefit the company, and to use, exercise, develop or grant licenses in respect of, or otherwise turn to account the property, rights or information so acquired;
- (d) To enter into partnership or into any arrangement for sharing of profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise, with any person or company carrying on or engaged in or about to carry on or engage in any business or transaction which the company is authorized to carry on or engage in, or any business or transaction capable of being conducted so as directly or indirectly to benefit the company; and to lend money to, guarantee the contracts of, or otherwise assist
any

any such person or company, and to take or otherwise acquire shares and securities of any such company, and to sell, hold, re-issue, with or without guarantee, or otherwise deal with the same;

- (e) To take, or otherwise acquire and hold, shares in any other company having objects altogether or in part similar to those of the company or carrying on any business capable of being conducted so as directly or indirectly to benefit the company;
- (f) To enter into any arrangements with any authorities, municipal, local or otherwise, that may seem conducive to the company's objects, or any of them, and to obtain from any such authority any rights, privileges and concessions which the company may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;
- (g) To establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employes or ex-employes of the company (or its predecessors in business) or the dependants or connections, of such persons, and to grant pensions and allowances, and to make payments towards insurance, and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object;
- (h) To promote any company or companies for the purpose of acquiring all or any of the property and liabilities of the company, or for any other purpose which may seem directly or indirectly calculated to benefit the company;
- (i) To purchase, take on lease or in exchange, hire or otherwise acquire, any personal property and any rights or privileges which the company may think necessary or convenient for the purposes of its business and in particular any machinery, plant, stock-in-trade;
- (j) To construct, improve, maintain, work, manage, carry out or control any roads, ways, tramways, branches or sidings, bridges, reservoirs, watercourses, wharves, manufactories, warehouses, electric works, shops, stores and other works and conveniences which may seem

seem calculated directly or indirectly to advance the company's interests, and to contribute to, subsidize or otherwise assist or take part in the construction, improvement, maintenance, working, management, carrying out or control thereof;

- (k) To lend money to customers and others having dealings with the company and to guarantee the performance of contracts by any such persons;
- (l) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants, and other negotiable or transferable instruments;
- (m) To sell or dispose of the undertaking of the company or any part thereof for such consideration as the company may think fit, and in particular for shares, debentures or securities of any other company having objects altogether or in part similar to those of the company;
- (n) To adopt such means of making known the products of the company as may seem expedient, and in particular by advertising in the press, by circulars, by purchase and exhibition of works of art or interest, by publication of books and periodicals and by granting prizes, rewards and donations;
- (o) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the company;
- (p) To do all or any of the above things as principals, agents, contractors, trustees or otherwise, and either alone or in conjunction with others;
- (q) To do all such other things as are incidental or conducive to the attainment of the above objects;

Provided however, that the powers set out in any or all of the foregoing paragraphs may be withheld by the Letters Patent or Supplementary Letters Patent.

18. Any corporation incorporated under this Act shall have power—

Incidental powers.

Seal.

Buildings, etc.

- (a) To alter or change its common seal at pleasure. R.S.O., c. 191, 25 (a);
- (b) To construct, maintain and alter any buildings or works necessary or convenient for the purposes of the corporation. R.S.O., c. 191, 25 (d);

(c)

- (c) To acquire by purchase, lease or other title and to hold, use, sell, alienate and convey any real estate necessary for the carrying on of its undertaking, and the corporation shall, upon its incorporation, become and be invested with all the property and rights, real and personal theretofore held by or for it under any trust created with a view to its incorporation. R.S.O., c. 191, s. 25 (g). Real estate.

19. Unless other special statutory enactments apply, no parcel of land or interest therein at any time acquired by the corporation and not required for its actual use and occupation or not held by way of security, or not situate within the limits or within one mile of the limits of any city or town, shall be held by the corporation or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, or after it has ceased to be required for the ordinary purposes of the corporation, but shall be absolutely sold and disposed of, so that the corporation shall no longer retain any interest therein unless by way of security; and any such parcel of land or any interest therein not within the exceptions hereinbefore mentioned, held by the corporation for a longer period than seven years, without being disposed of, shall be forfeited to His Majesty for the use of this Province; provided that the Lieutenant-Governor may extend the said period from time to time not exceeding in the whole twelve years; and further provided that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the corporation of the intention of His Majesty to claim such forfeiture, and during such six months the corporation may dispose of the same; and it shall be the duty of the corporation to give the Lieutenant-Governor, when required, a full and correct statement of all lands at the date of such statement held by or in trust for the corporation. R.S.O. c. 191, s. 25, *in part*. Restrictions as to holding real estate.
Provided.

20. The provisions of this Act relating to matters preliminary to the issue of the Letters Patent or Supplementary Letters Patent shall be deemed to be directory only; and no Letters Patent or Supplementary Letters Patent, notice, order or other proceeding by or on behalf of the Lieutenant-Governor, Provincial Secretary or other Government or Departmental officer under this Act shall be held to be void or voidable on account of any irregularity, or otherwise in respect of any matter preliminary to the issue of the Letters Patent or Supplementary Letters Patent, notice, order or other proceeding or of any alterations in any petition or documents submitted in order to make Certain informalities not to invalidate letters patent, etc.

make them comply with this Act or with the departmental practice thereunder. R.S.O., c. 191, s. 96.

Forfeiture of
charter for
non-user.

21. If a corporation incorporated by Letters Patent does not go into actual operation within two years after incorporation or for two consecutive years does not use its corporate powers, such powers, except so far as is necessary for the winding up of the corporation, shall be forfeited, and its name in whole or in part may be granted to another corporation, and in any action or proceeding where such non-user is alleged, proof of user shall lie upon the corporation, provided, however, that no such forfeiture shall affect prejudicially the rights of creditors as they exist at the date of such forfeiture. R.S.O., c. 191, s. 98.

Revocation of
charter.

22. The Letters Patent by which a corporation is incorporated and any Supplementary Letters Patent amending or varying the same, may, at any time, be declared to be forfeited and may be revoked and made void by an Order of the Lieutenant-Governor on sufficient cause being shown in that behalf, and such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as to the Lieutenant-Governor may seem proper. R.S.O., c. 191, s. 99.

Company with
less than five
members.

23. If a corporation exercises its corporate powers when the number of its shareholders or members is less than five, for a period of six months after the number has been so reduced, every person who is a shareholder or member of the corporation during the time that it so exercised its corporate powers after such period of six months and is cognizant of the fact that it is so exercising its corporate powers with less than five shareholders or members, shall be severally liable for the payment of the whole of the debts of the corporation contracted during such time and may be sued for the same without the joinder in the action or suit of the corporation or of any other shareholder or member, but any shareholder or member who has become aware that the corporation is exercising its corporate powers when the number of its shareholders or members is less than five, may serve a protest in writing on the corporation and may by registered letter notify the Provincial Secretary of such protest having been served and of the facts upon which it is based and such shareholder or member may thereby and not otherwise from the date of his said protest and notification exonerate himself from liability, and if after notice from the Provincial Secretary, the corporation refuses or neglects to bring the number of its shareholders or members up to five such refusal or neglect may, upon the report of the

Provincial

Provincial Secretary, be regarded by the Lieutenant-Governor as sufficient cause for the revocation of the charter of the coporation. R.S.O., c. 191, s. 100.

24. The charter of a corporation incorporated by letters patent may be surrendered if the corporation proves to the satisfaction of the Lieutenant-Governor:—, Surrender of charter.

- (a) That it has no debts existing or other rights in question, or,
- (b) That it has parted with its property, divided its assets rateably amongst its shareholders or members and has no debts or liabilities, or,
- (c) That the debts and obligations of the corporation have been duly provided for or protected or that the creditors of the corporation or other persons holding them consent;
- (d) And that the corporation has given notice of the application for leave to surrender by publishing the same once in the *Ontario Gazette* and once in a newspaper published at or as near as may be to the place where the corporation has its head office, or if it be without share capital where its operations are carried on;

And the Lieutenant-Governor upon a due compliance with the provisions of this section, may accept the charter and direct its cancellation, and may, by his Order, fix a date upon and from which the corporation shall be deemed to be dissolved, and the corporation shall thereby and thereupon become dissolved accordingly. R.S.O., c. 191, s. 101.

25. The corporate existence of a corporation incorporated otherwise than by Letters Patent may be terminated by order of the Lieutenant-Governor upon petition therefor by such corporation under like circumstances, in like manner and with like effect as a corporation incorporated by Letters Patent may surrender its charter. of existence of corporations

26. The Lieutenant-Governor in Council may, from time to time, make regulations with respect to the following matters, namely:— Regulations by Lieutenant-Governor in Council.

- (a) The cases in which notice of application for Letters Patent or Supplementary Letters Patent under this Act must be given;
- (b) The forms of Letters Patent, Supplementary Letters Patent, notices and other instruments and documents relating to applications and other proceedings under this Act;

(c)

(c) The form and manner of the giving of any notice required by this Act;

and such regulations shall be published in the *Ontario Gazette*. R.S.O., c. 191, s. 11.

PART II.

NAME OF CORPORATION.

Use of word
"Limited."

27.—(1) The corporate name of every company with share capital shall have the word "Limited" as the last word thereof.

(2) Wherever the company or any director, manager, officer or employee thereof uses the name of the company, the word "Limited" shall appear as the last word thereof: Provided, that stamping, writing, printing, or otherwise marking on goods, wares and merchandise of the company, or upon packages containing the same shall not be deemed to be within the provisions of this section: Provided also that where the word "company," "club," "association" or other equivalent word forms part of the said name the word "Limited" may be abbreviated to "Ltd." or "Ld."

Penalty.

(3) Every company and every director, manager, officer or other employee making default in complying with the foregoing provisions of this section shall be liable upon summary conviction to a penalty not exceeding ten dollars for each and every offence: Provided, that the offender upon a subsequent conviction for a similar offence committed after such first conviction shall be liable upon summary conviction to a penalty not exceeding one hundred dollars.

Proviso.

in citation of
prosecutions.

(4) The prosecution or proceeding to recover a penalty for an offence against the foregoing provisions of this section shall be commenced within six months after the offence has been committed and not afterwards. 63 Vic. c. 23, s. 3.

Name to be free
from objection.

28. The name of every corporation shall not on any public ground be objectionable and shall not be that of any known corporation or association incorporated or unincorporated, or of any partnership or of any individual or any name under which any known business is being carried on, or so nearly resembling the same as to deceive; provided, however, that a subsisting corporation, association, partnership, individual or person may consent that its or his name, in whole or in part, be granted to a new corporation incorporated for the purpose of acquiring its or his business or promoting its objects. R.S.O., c. 191, s. 10 (a).

Proviso.

29. The name of a corporation which has not, for three consecutive years, made the annual summary prescribed by this Act, may be given in whole or in part to a new corporation, unless the defaulting corporation, on notice by the Provincial Secretary by registered letter addressed to the corporation or its president as shown by its last return, proves to the satisfaction of the Lieutenant-Governor that it is still a subsisting corporation; provided, that if at the end of one month from the date of such notice, the Provincial Secretary shall not have received from the corporation or its president response to such notice, the corporation may be deemed to be not a subsisting corporation, and no longer entitled to the sole use of its corporate name; and further provided, that when no annual summary has been filed by a corporation for three years immediately following its incorporation its name may be given to another corporation without notice and such corporation shall be deemed not to be subsisting. 1 Edw. VII., c. 18, s. 3.

Failure to make annual returns.

30. In case it is made to appear to the satisfaction of the Lieutenant-Governor that any corporation is incorporated under a name the same as, or so similar to that of an existing corporation, company, partnership, association, individual, or business as to deceive, the Lieutenant-Governor may by Order, change the name of the corporation. R.S.O., c. 191, s. 24.

Change of name if objectionable.

31.—(1) Where a corporation is desirous of changing its name, the Lieutenant-Governor, upon being satisfied that the corporation is in a solvent condition, and that the change desired is not for any improper purpose, and is not otherwise objectionable, may by Order change the name of the corporation. R.S.O., c. 215, s. 1.

Applications to Lieutenant-Governor to change names of companies.

(2) In case the proposed name is considered objectionable, the Lieutenant-Governor may change the name of the corporation to some unobjectionable name. R.S.O. c. 215, s. 3.

In case proposed name is objectionable.

32. Notice of the change of the name of a corporation shall be given by the Provincial Secretary by publication in the *Ontario Gazette*.

Notice of change.

33. No such alteration of the name of a corporation shall affect the rights or obligations of the corporation; and all proceedings that might have been continued or commenced by or against the corporation by its former name may be continued or commenced by or against the corporation by its new name.

Change not to affect rights or obligations.

PART III.

MEETINGS OF COMPANY.

First meeting. 34.—(1) The provisional directors of a company not offering shares for public subscription, shall call a general meeting of the company to be held at a convenient place within two months from the date of the Letters Patent for the purpose of electing directors, appointing auditors, sanctioning the by-laws of the company, and transacting such other business as may be necessary to enable the company to carry on its undertaking, and shall, at least ten days before the day on which such meeting is held, give notice of such meeting by registered letter addressed to each shareholder, setting out in detail the business to be transacted and matters to be considered thereat.

Report at first meeting. (2) The provisional directors shall report to such meeting the number of shares subscribed or underwritten; the names of the subscribers or underwriters; the amount paid thereon; all contracts entered into by or on behalf of the company; the amount of the preliminary expenses and a financial statement of the affairs of the company signed by the auditors (if any).

Shareholders may call. (3) If the said meeting is not called by the provisional directors as aforesaid, any three or more shareholders of the company may call the meeting. R.S.O., c. 191, s. 16.

Notice of meeting. 35. In default of other express provisions in such behalf in the special Act the Letters Patent or by-laws of the company, notice of the time and place for holding general meetings of the company, including the annual and special meetings shall be given at least ten days previously thereto by registered letter to each shareholder at his last known address, and by an advertisement in some newspaper published at or as near as may be to the head office and to the chief place of business of the company, if these differ, or in the *Ontario Gazette*. R.S.O., c. 191, s. 50.

Annual meeting. 36.—(1) The annual meeting of the shareholders of the company shall be held at such time and place in each year as the Special Act, Letters Patent, or by-laws of the company may provide, and in default of such provisions in that behalf the annual meeting shall be held at the place named in the Letters Patent as the place of the head office of the company, on the fourth Wednesday in January in every year.

(2) At such meeting the directors shall lay before the company,

(a) A balance sheet made up to a date not more than three months before such annual meeting;

(b)

(b) A statement of income and expenditure for the financial period ending upon the date of such balance sheet;

(c) The report of the auditor or auditors;

(d) Such further information respecting the company's financial position as the Letters Patent or the by-laws of the company may require;

and, on resolution affirmed by shareholders holding at least five per centum of the capital of the company, shall furnish a copy thereof to every shareholder personally present at such meeting and demanding the same.

(3) The balance sheet shall be drawn up so as to distinguish at least the following classes of assets and liabilities, namely:—

(a) Cash;

(b) Debts owing to the company from its customers;

(c) Debts owing to the company from its directors, officers and shareholders;

(d) Stock in trade;

(e) Expenditures made on account of future business;

(f) Land, buildings and plant;

(g) Goodwill, franchises, patents and copyrights, trademarks, leases, contracts and licenses;

(h) Debts owing by the company secured by mortgage or other lien upon the property of the company;

(i) Debts owing by the company but not secured;

(k) Amount received on common shares;

(l) Amount received on preferred shares;

(m) Indirect and contingent liabilities.

37. The directors may and upon a requisition made in writing by the holders of not less than one-tenth of the subscribed shares of the company shall, convene a special general meeting of the company, to transact the business set out in the notice calling such meeting. R.S.O., c. 191, s. 52.

38. Upon the receipt of such requisition, which shall set out the objects for which such meeting is proposed to be called and shall be left at the head office of the company, the directors shall forthwith proceed to convene a special general meeting. If they do not cause the same to be held

within twenty-one days from the date upon which the requisition was left at the head office of the company, any shareholders, holding not less than one-tenth in value of the subscribed shares of the company whether they signed the requisition or not, may themselves convene such special general meeting. R.S.O., 1897, c. 191, ss. 53, 54.

Presiding
officer.

39. The president of the company shall preside as chairman at every general meeting of the company; if there is no president or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the shareholders present shall choose some one of their number to be chairman. R.S.O., c. 191, ss. 58, 59.

Chairman to be
elected when
necessary.

Adjournment
by consent.

40. The chairman may with the consent of the meeting and subject to such conditions as the meeting may decide, adjourn any meeting from time to time and from place to place. R.S.O., c. 191, s. 60.

Procedure as to
resolution.

41. At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been carried and an entry to that effect in the proceedings of the company, shall be *prima facie* evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution. R.S.O. c. 191, s. 61.

Taking vote
when poll is
demanded.

42. If a poll is demanded, it shall be taken in such manner as the by-laws prescribe, and in case the by-laws make no provision therefor, then as the chairman may direct. In the case of an equality of votes, at any general meeting, the chairman shall be entitled to a second or casting vote. R.S.O., c. 191, s. 62.

Votes.

43. Subject to the Special Act, Letters Patent or by-laws of the company, at all general meetings of the company every shareholder shall be entitled to as many votes as he holds shares in the company, and may vote by proxy, but no shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company. R.S.O., c. 191, ss. 63, 64.

Shareholders
in arrear not to
vote.

Place of
meetings.

44. All meetings of the shareholders and directors shall be held at the place of the head office of the company, save and except when the company is authorized by the Special Acts, Letters Patent or Supplementary Letters Patent, to hold meetings of shareholders or directors out of Ontario.

Application
of part.

45. This part of the Act shall apply only to companies having share capital.

PART IV.

SHARES, CALLS.

46. Every shareholder shall, without payment, be entitled to a certificate under the common seal of the company specifying the share or shares held by him and the amount paid up thereon, provided that in respect of a share or shares held jointly by several persons, the company shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint holders shall be sufficient delivery to all.

Share certificate.

47. If a share certificate is defaced, lost or destroyed, it may be renewed on payment of such fee, if any, not exceeding twenty-five cents, and on such terms, if any, as to evidence and indemnity as the directors think fit.

Lost certificate.

48. The shares of the company shall be deemed personal estate and shall be transferable on the books of the company, in such manner and subject to such conditions and restrictions as by this Act, the special Act, the Letters Patent or by-laws of the company may be prescribed. R.S.O., c. 191, s. 27.

Shares personal estate.

49. No shareholder of a co-operative cold storage company or association to which aid has been or may hereafter be granted under the provisions of any statute in that behalf, or of a cheese and butter manufacturing company carried on for co-operative purposes, shall hold shares exceeding \$1,000.

50. The directors may refuse to allow the entry in any such books, of any transfer of shares whereof the whole amount has not been paid in; and whenever entry is made in such book of any transfer of shares not fully paid in, to a person being of apparently not sufficient means, the directors present when such entry is authorized shall be jointly and severally liable to the creditors of the company in the same manner and to the same extent as the transferring shareholder, but for such entry, would have been; but if any director present, when such entry is allowed, forthwith enters a written protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from such liability. R.S.O., c. 191, s. 28.

Directors may refuse transfer of shares in certain cases.

Their liability if they allow transfers to persons without means.

51. The directors, upon the passing of a by-law authorizing the payment of a dividend upon shares of the company, may direct that no entry of transfers shall be made in

in the books of the company for a period of two weeks immediately preceding the payment of such dividend and payment thereof shall be made to the shareholders of record on the date of closing said books.

Transfer valid only after entry.

52. No transfer of shares unless made by sale under execution, or under the order or judgment of some competent court in that behalf, shall, until entry thereof has been duly made, be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto toward each other, and as rendering the transferee liable, *ad interim*, jointly and severally with the transferor, to the company and its creditors, until entry thereof has been duly made in the books of the company. R.S.O. c. 191, s. 29.

Transferor may be notified.

53.—(1) The directors may, for the purpose of notifying the person or persons registered therein as owners of such shares, refuse to allow the entry in any such books of a transfer of shares.

Owner may lodge caveat.

(2) Such owner may lodge a caveat against the entry of such transfer, and thereupon such transfer shall not be made for a period of forty-eight hours.

Transfer may be entered if no order served.

(3) If within one week from the giving of such notice or the expiration of the said period of forty-eight hours, whichever shall last expire, no order shall have been served upon the company enjoining the entry of such transfer, the company may enter the same.

Company not to be liable if section complied with.

(4) When a transfer is entered after the proceedings heretofore set out the company shall be free from liability in respect of shares so transferred to a person whose rights are purported to be transferred but without prejudice to any claim which the transferor may have against the transferee.

Restrictions as to transfers.

54. No shares shall be transferable until all previous calls have been fully paid in, or until declared forfeited for non-payment of calls. R.S.O., c. 191, s. 30.

Calling in instalments.

55. The directors of the company may call in and demand from the shareholders thereof, the amount unpaid on shares by them subscribed or held, at such times and places and in such payments or instalments as the Letters Patent or this Act, or the by-laws of the company require or allow; and interest shall accrue at the legal rate for the time being upon the amount of any unpaid call, from the day appointed for payment of such call. R.S.O., c. 191, s. 32.

Forfeiture of shares.

56. If, after a demand therefor, any call is not paid within the time and in the manner provided by

by the Special Act or Letters Patent or by-laws the directors, by resolution to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the company and may be disposed of, as by by-law or otherwise the company may ordain; provided that such forfeiture shall not relieve any shareholder of any liability to the company or any creditor. R.S.O., c. 191, s. 35.

57. A company if authorized so to do by Letters Patent or Supplementary Letters Patent and subject to the provisions thereof, may, with respect to any share which is fully paid up, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on the share or shares included in such warrant, hereinafter referred to as a share warrant. Issue of share warrants.

58. A share warrant shall entitle the bearer of such warrant to the shares specified in it and such shares may be transferred by the delivery of the share warrant. Holders of share warrants.

59. The bearer of a share warrant shall, subject to the provisions and regulations contained in the Letters Patent or Supplementary Letters Patent respecting share warrants, be entitled on surrendering such warrant for cancellation, to have his name entered as a shareholder in the register of shareholders, and the company shall be responsible for any loss incurred by any person by reason of the company entering in its register of shareholders the name of any bearer of a share warrant in respect of the shares specified therein without the share warrant being surrendered and cancelled. Surrender of share warrants

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60. The bearer of a share warrant may, if the regulations respecting share warrants so provide, be deemed to be a shareholder of the company, either to the full extent or for such purposes as may be prescribed by such regulations; provided, that the bearer of a share warrant shall not be qualified in respect of the shares specified in such warrant for being a director of the company in cases where such a qualification is prescribed by the by-laws of the company. Holders of share warrants not to be deemed shareholders for certain purposes.

61. On the issue of a share warrant in respect of any share, the company shall strike out of its register of shareholders the name of the shareholder then entered therein as holding such share as if he had ceased to be a shareholder, and shall enter in the register the following particulars:—

(1)

Entries in register where share warrant issued.

- (1) The fact of the issue of the warrant;
- (2) The statement of the shares included in the warrant, distinguishing each share by its number;
- (3) The date of issue of the warrant.

Entries of share warrants.

62. Until the warrant is surrendered the above particulars shall be deemed to be the particulars which are required by section 113 of this Act, to be entered in the register of shareholders of a company; and on the surrender of a warrant the date of such surrender shall be entered as if it were the date at which a person ceased to be a shareholder.

Deposit of share warrants.

63. The bearer of a share warrant may at any time deposit the warrant at the office of the company, and so long as the warrant remains so deposited the depositor shall have the same right of signing a requisition for calling a meeting of the company, and of attending and voting and exercising the other privileges of a member at any meeting held after the expiration of two clear days from the time of deposit, as if his name were inserted in the register of members as the holder of the shares included in the deposited warrant. Not more than one person shall be recognized as depositor of the share warrant. The company shall on two days' written notice return the deposited share warrant to the depositor.

Holders of share warrants not to sign requisition for meetings.

64. Subject as herein otherwise expressly provided no person shall, as a bearer of a share warrant, sign a requisition for calling a meeting of the company, or attend, or vote, or exercise any other privilege of a member at a meeting of the company; or be entitled to receive any notices from the company but the bearer of a share warrant shall be entitled in all other respects to the same privileges and advantages as if he were named in the register of members as the holder of the shares included in the warrant, and he shall be a member of the company.

Lost share warrant.

65. The directors may from time to time make rules as to the terms on which (if they shall think fit) a new share warrant or coupon may be issued by way of renewal in case of defacement, loss or destruction.

Trusts.

66. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same stands on the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, whether or not notice of the trust has been given to the

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the company; and the company shall not be bound to see to the application of the money paid upon such receipt. R.S.O., c. 191, s. 31.

67.—(1) Every executor, administrator, guardian or trustee shall represent the shares in his hands, at all meetings of the company and may vote accordingly as a shareholder, and every person who mortgages or hypothecates his shares may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder, unless in the instrument creating the mortgage or hypothecation he shall have expressly empowered the holder of such mortgage or hypothecation to vote thereon in which case only such holder or his proxy may vote in respect of said shares. R.S.O., c. 191, s. 36.

Trustees, etc., may vote.

Mortgagor of stock may vote.

(2) If shares be held jointly by two or more persons, any one of them present at a meeting may, in the absence of the other or others, vote thereon, but if more than one joint shareholder be present or be represented by proxy, they shall vote together on the shares jointly held. R.S.O. cap. 191, s. 36.

Joint holders of stock.

68. Each shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid on his said shares, shall be the amount recoverable, with costs, against such shareholder. R.S.O. c. 191, s. 37, ss. 1.

Liability of shareholders.

69. Any shareholder may plead by way of defence in whole or in part, any set-off which he could set up against the company, except a claim for unpaid dividend, or a salary or allowance as a president or a director of the company. R.S.O., c. 191, s. 37, ss. 2.

Set-off.

70. The shareholders shall not, as such, be held responsible for any act, default or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the unpaid amount on their respective shares. R.S.O., c. 191, s. 37, subs. 3.

Shareholders not liable beyond unpaid amount.

71. No person holding shares as executor, administrator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate or the minor, ward, or person, interested in the trust fund, would be, if living and competent

Trustees not personally liable.

competent to act and holding such shares. R.S.O., c. 191, s. 38.

Mortgagees.

72. No person holding shares as collateral security shall, prior to foreclosure, be personally subject to liability as a shareholder, but the person transferring such shares as collateral security shall, until foreclosed, be considered as holding the same, and shall be liable as a shareholder in respect thereof. R.S.O., c. 191, s. 39.

PART V.

PREFERENCE AND DEBENTURE STOCK, DEBENTURES AND MORTGAGES.

**Borrowing
powers.
Debentures.**

73. The directors of a corporation may make by-laws:—

(a) For borrowing money;

(b) For issuing bonds, debentures, or other securities.

And the directors of companies with share capital may make by-laws:—

**Preference
shares.**

(1) For creating and issuing any part of the capital as preference shares;

**Debenture
stock.
Conversion of
preference
shares.**

(2) For creating and issuing debenture stock;

(3) For the conversion of preference shares into common shares or debentures or debenture stock, debentures into debenture stock or preference shares, or any class of shares or securities into any other class. R.S.O., c. 191, s. 49.

**Sanction of
by-law.**

74. No by-law referred to in the last preceding section shall take effect until it has been confirmed by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company, duly called for considering the same, by notice specifying the terms of the by-law to be confirmed or un-animously sanctioned in writing by the shareholders of the company.

**Terms of issue
of preference
shares.**

75. A by-law for the creation and issue of preference shares or for the conversion of debentures or debenture stock into preference shares may provide that the holders of such shares shall have such preference as regards dividends and repayment on dissolution or winding-up as may be therein set out; may have the right to select a certain stated proportion of the board of directors, or such other control over the affairs of the company as may be considered expedient; or may limit the right of the holders thereof to specific dividends or control of the affairs of the company or otherwise, not contrary to law or to this Act, and may provide for the purchase or redemption of such shares by the company as therein set out; provided, however, that any term or provision of such by-law, whereby the rights
of

of holders of such shares are limited or restricted, shall be fully set out in the certificate of such shares, and in the event of such limitations and restrictions not being so set out they shall not be deemed to qualify the rights of holders thereof.

76. Unless preference shares, debenture stock, debentures or bonds are issued subject to redemption or conversion, the same shall not be subject to redemption or conversion without the consent of the holders thereof.

Consent of holders to redemption.

77. No such by-law which has the effect of increasing or decreasing the capital of the company or otherwise varying any term or provision of the special Act or Letters Patent of the company shall be valid or acted upon until confirmed by Supplementary Letters Patent.

Supplementary letters patent in certain cases.

78. The directors may charge, hypothecate, mortgage, or pledge any or all of the real or personal property, rights and powers, undertaking, franchises, including book debts and unpaid calls of the corporation to secure any bonds, debentures or other securities or any liability of the corporation and a duplicate original of such charge, mortgage or other instrument of hypothecation or pledge made to secure bonds, debentures or other securities, shall be forthwith filed in the office of the Provincial Secretary as well as registered under the provisions of any other Act in that behalf.

Mortgages to secure debentures, etc.

PART VI.

DIRECTORS AND THEIR POWERS, ETC.

79. The persons named as provisional directors in the Special Act or in the Letters Patent shall be the directors of the company, until replaced by the same number of others duly elected in their stead, and shall be eligible for election. R.S.O., c. 191, s. 41.

Provisional directors.

80. The affairs of the company shall be managed by a board of not less than three directors, who shall be elected by the shareholders in general meeting of the company. R.S.O., c. 191, s. 40, *amended*.

Board of directors.

81.—(1) Except as in this section provided no business of a company shall be transacted by its directors unless at a meeting of directors at which a quorum of the board shall be present. Such quorum shall consist of three directors or a majority of the directors of the company, if such majority numbers more than three.

Business must be transacted by quorum of board.

(2) Whenever it shall happen that from any cause there is not a quorum of directors in office the requisition mentioned in section 37 of this Act may be served on such directors

When there is no quorum of directors—calling meeting.

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tors of the company as are still in office, and such directors, though less in number than three, or a majority of the board, may nevertheless call a meeting under section 38 for the election of directors to fill vacancies in the board, and in default of their doing so the requisitionists or other shareholders may call such meeting as in section 38 provided.

When not more than one director remains in office.

(3) This section shall not apply to a sole director remaining in office. If there be no directors remaining in office a meeting to elect directors may be called without service of any requisition.

Filling vacancies while there is a quorum.

(4) So long as a quorum of directors remains in office casual vacancies in the board may be filled by such directors as remain in office.

Executive committee.

82. The shareholders of a company, having more than six directors, may, at a general meeting called for that purpose, by resolution of two-thirds of the shareholders present in person or by proxy, authorize the directors to delegate any of their powers to an executive committee, consisting of not less than three, to be elected by the directors from their number. Any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by such by-law or by the directors. 3 Edw. VII., c. 7, s. 35.

Qualifications of directors.

83. No person shall hold office as a director unless he is a shareholder absolutely in his own right, and not in arrear in respect of any call thereon, and where any person, who is a director, ceases to be a *bona fide* holder of shares, he shall thereupon cease to be a director. R.S.O., c. 191, s. 42.

Yearly elections.

84.—(1) The election of directors shall take place at the annual meeting, all the members of the board retiring, and (if otherwise qualified) being eligible for re-election.

Ballot.

(2) Election of directors shall be by ballot, if demanded.

President and officers.

(3) The directors shall, from time to time, elect from among themselves a president of the company, and shall also appoint, and may remove at pleasure, all other officers thereof. R.S.O., c. 191, s. 43.

Failure to elect directors how remedied.

85. If at any time an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the company duly called for that purpose; and the directors shall continue in office until their successors are duly elected. R.S.O. c. 191, s. 44.

86.—(1) A company may, by by-law, vary the number of its directors, but so that the number shall be not less than three, or may change the company's head office in Ontario. Change by by-law of number of directors or of head office in Ontario.

(2) No by-law for either of the said purposes shall take effect until confirmed by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a meeting of the company duly called for considering the same, or until a copy of the by-law, certified under the seal of the company, has been published once in the *Ontario Gazette*, and in case of the removal of the head office, twice in a newspaper published in each of the places where the head office was fixed and to where it is to be removed, or as near thereto as may be. R.S.O., c. 191, s. 45. By-law to be confirmed by shareholders. Notice.

87. The directors may, from time to time, make by-laws not contrary to law, or to the Letters Patent of the company, or to this Act, to regulate:— By-laws.

- (a) The allotment of shares; the making of calls thereon; the payment thereof; the issue and registration of certificates of shares; the forfeiture of shares for non-payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of shares; Share.
- (b) The declaration and payment of dividends; Dividends.
- (c) The term of service, manner of selection, and the qualification of the directors; Directors' services, etc.
- (d) The time at which and place where the meetings of the company shall be held; the calling of meetings of the company; the requirements as to proxies; and the procedure in all things at such meetings; Meetings.
- (e) The imposition and recovery of all penalties, and forfeitures admitting of regulation by by-law, and Fines.
- (f) The conduct in all other particulars of the affairs of the company; Conduct of affairs generally.

And may from time to time repeal, amend or re-enact the same; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company; and in default of confirmation thereat shall, at and from that time only, cease to have force; and in that case no new by-law to the same or the like effect Power to repeal, amend, etc. Confirmation of by-laws.

or

By-laws may
be varied.

or re-enactment thereof, shall have any force until confirmed at a general meeting of the company; provided, however, that the company shall have power either at a general meeting called as aforesaid, or at the annual meeting of the company, to repeal, amend, vary or otherwise deal with any by-laws which have been passed by the directors, but no act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation or other dealing. R.S.O., c. 191, s. 47.

Payments to
President or
directors.

88. No by-law for the payment of the president or any director shall be valid or acted upon until the same has been confirmed at a general meeting. 60 V. c. 28, s. 46.

Directors not to
vote on con-
tracts in which
they have a
personal
interest, etc.

89. No director of any company shall at any directors' meeting vote in respect of any contract or arrangement made or proposed to be entered into with the company in which he is interested either as vendor, purchaser or otherwise, and any director who may be in any way interested in any contract or arrangement proposed to be made with the company shall disclose the nature of his interest at the meeting of the directors at which such contract or arrangement is determined on, if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest, and in case he discloses the nature of his interest, and refrains from voting, he shall not be accountable to the company by reason of the fiduciary relationship existing for any profit realized by such contract or arrangement; provided, however, that no director shall be deemed to be in any way interested in any contract or arrangement, nor shall he be disqualified from voting or be held liable to account to the company by reason of his holding shares or being a director in any other company with which a contract or arrangement is made or contemplated; provided, also, that this section shall not apply to any contract by or on behalf of a company to give the directors or any of them security by way of indemnity. 2 Edw. VII., c. 24, s. 1.

Proviso.

Not to pur-
chase shares of
any other cor-
porations.

90. The company shall not, unless authorized by the special Act, Letters Patent or Supplementary Letters Patent, use any of its funds in the purchase of shares of any other corporation until the directors have been expressly authorized by a by-law passed by them for the purpose and confirmed by a vote of not less than two-thirds in value of those shareholders present in person or by proxy at a general meeting of the company duly called for considering the same. R.S.O., c. 191, s. 82; 1 Edw. VII., c. 18, s. 2.

Liability of
directors de-
claring a

91. The directors of the company shall not declare or pay any dividend when the company is insolvent, or any dividend

dividend the payment of which renders the company insolvent, or diminishes the capital thereof; but if any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof, and able so to do, enters his written protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from liability. dividend when company is insolvent, etc. How a director may void such liability. R.S.O., c. 191, s. 83.

92. For the amount of any dividend which the directors may lawfully declare payable in money, they may declare a stock dividend and issue therefor shares of the company as fully paid or partly paid, as the case may be, or may credit the amount of such dividend on the shares of the company already issued but not fully paid and the liability of the holders of all shares mentioned in this section shall be reduced by the amount of such dividend. Stock dividends.

93. No loan shall be made by the company to any shareholder, and if such loan is made all directors and other officers of the company making the same and in any wise assenting thereto, shall be jointly and severally liable to the company for the amount thereof, and also to third parties to the extent of such loan with legal interest, for all debts of the company contracted from the time of the making of the loan to that of the repayment thereof. R.S.O. c. 191, s. 84. No loan by company to Shareholders.

94. The directors of the company shall be jointly and severally liable to the labourers, servants, and apprentices thereof for all debts not exceeding one year's wages due for services performed by the company while they are such directors respectively; but no director shall be liable to an action therefor, unless the company has been sued therefor within one year after the debt became due, nor unless such director is sued therefor within one year from the time when he ceased to be such director, nor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors. R.S.O., c. 191, s. 85. Liability of directors for wages.

PART VII.

PROSPECTUS AND DIRECTORS' LIABILITY.

95.—(1) In this Act the word "prospectus" shall mean any prospectus, notice, circular, advertisement or other invitation offering for subscription or purchase any shares, debentures "Prospectus," meaning of.

debentures or other securities of a company, or published or issued for the purpose of being used to promote or aid in the subscription or purchase of such shares, debentures or securities, and the word "company" shall mean any company incorporated or proposed to be incorporated.

Application of
this part.

(2) This part of this Act shall apply to every company whether formed before or after the commencement of this Act which offers for subscription or sale shares, debentures or other securities and to every company whether incorporated under the laws of the Province of Ontario or otherwise, the shares, debentures or other securities of which are dealt in within the Province of Ontario.

Commissions.

96.—(1) Upon any offer of shares to the public for subscription, it shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, if the payment of the commission and the amount or rate per cent. of the commission paid or agreed to be paid are respectively authorized by the letters patent or supplementary letters patent and disclosed in the prospectus, and the commission paid or agreed to be paid does not exceed the amount or rate so authorized.

Capital not to
be applied in
paying com-
missions except
as authorized.

(2) Save as aforesaid, no company shall apply any of its shares or capital money either directly or indirectly in payment of any commission, discount or allowance, to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the company or procuring or agreeing to procure subscriptions whether absolute or conditional, for any shares in the company, whether the shares or money be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money be paid out of the nominal purchase money or contract price, or otherwise.

Brokerage may
be paid.

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay.

What com-
panies must
file prospec-
tus.

97.—(1) Every company heretofore or hereafter incorporated under any general or special Act, the number of shareholders of which is increased to a number greater by ten than the number of applicants for incorporation or which has its debentures or other securities held by more than ten persons, and every company incorporated otherwise than as above set out which has more than ten shareholders

holders or holders of debentures or other securities within Ontario, shall file a prospectus in the manner hereinafter set out.

(2) All purchases, subscriptions or other acquisitions of shares, debentures or other securities of any company required in the manner above provided to file a prospectus, shall be deemed as against the company or the signatories to the prospectus to be induced by such prospectus, and any term, proviso or condition of such prospectus to the contrary shall be void.

(3) No subscription for stock, debentures or other securities, induced or obtained by verbal representations, shall be binding upon the subscriber, unless prior to his so subscribing he shall have received a copy of the prospectus.

98.—(1) Every prospectus issued by or on behalf of a company or in relation to any intended company shall be dated, and that date shall, unless the contrary be proved, be taken as the date of publication of the prospectus. Date of prospectus.

(2) A copy of every such prospectus shall be signed by every person who is named therein as a director or proposed director or provisional director of the company, or by his agent authorized in writing, and shall be fyled with the Provincial Secretary, on or before the date of its publication. Prospectus to be signed and fyled.

(3) The Provincial Secretary shall not receive or file any prospectus unless it is so dated and signed. No prospectus shall be issued until so fyled, and every prospectus shall state on the face of it that it has been so fyled. *Imp. Act, 1900, 9.* Not to be issued until fyled.

99.—(1) Every prospectus issued by or on behalf of a company or in relation to any intended company or by or on behalf of any person who is or has been engaged or interested in the formation or promotion of the company, shall state:— What to be disclosed in prospectus.

- (a) The names, descriptions and addresses of the original incorporators, and the number of shares subscribed for by them respectively; Particulars as to incorporators.
- (b) The number of shares, if any, fixed as the qualification of a director, and any provision in the by-laws of the company as to the remuneration of the directors; Qualification and remuneration of directors.
- (c) The names, descriptions and addresses of the directors or proposed directors; Directors.
- (d) The minimum subscription on which the directors may proceed to allotment, and the amount payable on application and allotment on each share; and, in the case of a second or subsequent offer of Subscription upon which allotment may proceed.

of shares, the amount offered for subscription on each previous allotment, and the amount actually allotted;

Time of calls.

(e) The time or times at which under the by-laws of the company a further call or calls may be made upon shares subscribed for;

Shares and bonds allotted for other than cash consideration.

(f) The number and amount of shares issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and the number and amount of bonds, debentures or other securities issued or to be issued and allotted to any person;

Vendors of property to company.

(g) The names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of publication of the prospectus and the amount payable in cash, shares, bonds, debentures or other securities to the vendor, and where there is more than one separate vendor, or the company is a sub-purchaser, the amount so payable to each vendor;

Consideration for purchase

(h) The amount (if any) paid or payable as purchase money in cash, shares or debentures of any such property as aforesaid, specifying the amount payable for good-will;

Commissions.

(i) The amount (if any) paid or payable as commission for subscribing, or agreeing to subscribe, or procuring or agreeing to procure subscriptions for any shares in the company, or for underwriting or procuring underwriting of any securities issued or to be issued by the company or the rate of any such commission;

Preliminary expenses.

(j) The amount or estimated amount of preliminary expenses;

Promoter's remuneration.

(k) The amount paid or intended to be paid in cash, shares or debentures to any promoter and the consideration for any such payment;

Particulars as to material contracts.

(l) The dates of and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected; provided that this requirement shall not apply to a contract entered into in the ordinary

ordinary course of the business carried on or intended to be carried on by the company, or to any contract entered into more than three years before the date of publication of the prospectus;

- (m) The names and addresses of the auditors (if any) Names, etc., of auditors. of the company;
- (n) Full particulars of the nature and extent of the interest (if any) of every director in the promotion of or in the property proposed to be acquired by the company, with a statement of all sums paid or agreed to be paid to him in cash or shares by any person either to qualify him as a director or otherwise for services rendered by him in connection with the formation of the company. Interest of directors in property taken by company.

(2) For the purposes of this section the word "vendor" Vendor," what to include. shall extend to and include a vendor who has entered into any contract, absolute or conditional, for the sale or purchase or for any option of purchase, of any property to be acquired by the company in any case where—

- (a) The purchase money is not fully paid at the date of publication of the prospectus; or
- (b) The purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or
- (c) The contract depends for its validity or fulfilment on the result of such issue.

(3) Where any of the property to be acquired by the company is to be taken on lease, this section shall apply as if the expression "vendor" included the lessor, and the expression "purchase money" included the consideration for the lease and the rent, and the expression "sub-purchaser" included a sub-lessee. When "vendor" includes "lessor."

(4) This section shall not apply to a circular or notice Application of section. inviting existing shareholders or debenture holders of a company to subscribe for further shares or debentures; but subject as aforesaid, this section shall apply to any prospectus whether issued on or with reference to the formation of a company or subsequently; provided that—

- (a) The requirements as to the original incorporators and the qualification, remuneration, and interest of directors, the names, descriptions and addresses of directors or proposed directors, and the amount or estimated amount of preliminary expenses, shall not apply in the case of a pro-

spectus published more than one year after the date of the first general meeting, and

- (b) In the case of a prospectus published more than one year after the date of such meeting, the obligation to disclose all material contracts shall be limited to a period of two years immediately preceding the publication of the prospectus.

Waiver of compliance with section to be void.

(5) Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirement of this section, or purporting to affect him with notice of any contract, document or matter not specifically referred to in the prospectus shall be void.

When prospectus advertised in newspaper.

(6) Where any such prospectus as is mentioned in this section is published as a newspaper advertisement, it shall not be necessary to specify the names of original incorporators and the number of shares subscribed for by them.

Penalty.

100.—(1) Every provisional director, director or other person responsible for the issue and publication of such prospectus shall for every violation of the provisions of the next preceding three sections be liable on summary conviction to a penalty not exceeding \$200 and costs, provided that no provisional director, director or other person shall incur any liability by reason of non-compliance with the said sections,—

- (a) As regards any matter not disclosed, if he was not cognizant thereof; or
- (b) if the non-compliance arose from an honest mistake of fact on his part,

And provided that in the event of non-compliance with the requirements contained in paragraph (n) of subsection (1) of section 99, no director or other person shall incur any liability in respect of such non-compliance unless it is proved that he had knowledge of the matters not disclosed.

Liability under general law not affected.

(2) Nothing in this section or the said preceding three sections shall limit or diminish any liability which any person may incur under the general law apart from this Act.

Capital to be correctly stated in advertisements, etc.

101.—(1) Where any advertisement, letter head, account or document issued or published by any corporation or any officer, agent or employee, of any such corporation, purports to state the capital of the corporation, then the capital actually and in good faith subscribed and no more shall be so stated.

Penalty.

(2) Any such corporation, officer, agent or employee who causes to be inserted an advertisement or who publishes,
17a s. issues

issues or causes to be published or issued any advertisement, letter-head, account or document which states, as the capital of such corporation any larger sum than the amount of such subscribed capital so actually and in good faith subscribed as aforesaid, or which contains any false statement as to the incorporation, control, supervision, management or financial standing of such corporation shall be liable, upon summary conviction, to a penalty not exceeding \$200 and costs and not less than \$50 and costs.

(3) Any one may be prosecutor or complainant under this Act, and one-half of any fine imposed by virtue of this Act, shall, when received, belong to His Majesty for the use of the Province and the other half shall belong to the prosecutor or complainant. R.S.O., c. 217.

Who may prosecute,—application of penalty.

102.—(1) Where after the passing of this Act a prospectus or notice invites persons to subscribe for shares in, or debentures or debenture stock or other security of, a company, every person who is a director of the company at the time of the issue of the prospectus or notice, and every person who having authorized such naming of him is named in the prospectus or notice as a director of the company or as having agreed to become a director of the company either immediately or after an interval of time, and every promoter of the company and every person who has authorized the issue of the prospectus or notice, shall be liable to pay compensation to all persons who shall subscribe for any shares, debentures or debenture stock or other security on the faith of such prospectus or notice for the loss or damage they may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved that having consented to become a director of the company he withdrew his consent before the issue of the prospectus or notice, and that the prospectus or notice was issued without his authority or consent, or that the prospectus or notice was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued without his knowledge or consent, or that after the issue of such prospectus or notice and before allotment thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and caused reasonable public notice of such withdrawal and of the reason therefor to be given.

Liability for statements in prospectus.

(2) A promoter in this section means a promoter who was a party to the preparation of the prospectus or notice, or of the portion thereof containing such untrue statement, but shall not include any person by reason of his acting solely in

Who to be deemed a promoter.

in a professional capacity for persons engaged in procuring the formation of the company.

Statements in prospectus for raising further capital.

103. Where any company, which has issued shares or debentures or other securities, shall be desirous of obtaining further capital by subscriptions for shares or debentures or other securities, and for that purpose shall issue a prospectus or notice, no director of such company shall be liable in respect of any statement therein, unless he shall have authorized the issue of such prospectus or notice, or have adopted or ratified the same.

Indemnity where name of person has been improperly inserted.

104. Where any such prospectus or notice as aforesaid contains the name of a person as a director of a company, or as having agreed to become a director thereof, and such person has not consented to become a director, or has withdrawn his consent before the issue of such prospectus or notice, and has not authorized or consented to the issue thereof, the directors of the company (except any without whose knowledge or consent the prospectus or notice was issued) and any other person who authorized the issue of such prospectus or notice shall be liable to indemnify the person named as director of the company, or as having agreed to become a director thereof as aforesaid, against all damages, costs, charges and expenses to which he may be made liable by reason of his name having been inserted in the prospectus or notice, or in defending himself against any action or legal proceedings brought against him in respect thereof. 54 V. c. 34, s. 5. 60 V. c. 3, s. 3; c. 28, s. 95 (3).

Contribution from co-director.

105. Every person who by reason of his being a director, or named as a director, or as having agreed to become a director, or of his having authorized the issue of the prospectus or notice, has become liable to make any payment under the provisions of this Act, shall be entitled to recover contribution, as in cases of contract from any other person who, if sued separately, would have been liable to make the same payment. 54 V. c. 34, s. 6; 60 V. c. 3, s. 3; c. 28, s. 95 (4).

PART VIII.

COMPANIES OFFERING SHARES FOR PUBLIC SUBSCRIPTION.

Restrictions on allotment.
Imp. 1904, s. 4.

106.—(1) No allotment shall be made of any share capital by a company offering shares for public subscription, unless the following conditions have been complied with, namely:

(a)

- (a) The amount (if any) named in the prospectus as the minimum subscription upon which the directors may proceed to allotment; or,
- (b) If no amount is so fixed and named, then the whole amount of the share capital so offered for subscription

has been subscribed, and the sum payable on application for the amount so fixed and named, or for the whole amount offered for subscription has been paid to and received by the company.

(2) The amount so fixed and named and the whole amount aforesaid shall be reckoned exclusively of any amount payable otherwise than in cash, and is in this Act referred to as the minimum subscription.

(3) The amount payable on application on each share shall not be less than five per cent. of the nominal amount of the share.

(4) If the conditions aforesaid have not been complied with on the expiration of ninety days after the first issue of the prospectus, all money received from applicants for shares shall be forthwith repaid to the applicants without interest, and if any such money is not so repaid within one hundred days after the issue of the prospectus, the directors of the company shall be jointly and severally liable to repay that money with interest at the rate of five per centum per annum from the expiration of the ninety days; provided that a director shall not be liable if he proves that the loss of the money was not due to any misconduct or negligence on his part; Provided, however, that the Provincial Secretary may from time to time extend the times herein limited.

(5) Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this section shall be void.

(6) This section, except subsection (3) thereof, shall not apply to any allotment of shares subsequent to the first allotment of shares offered to the public for subscription.

107.—(1) An allotment made by a company to an applicant in contravention of the foregoing provisions of this part of this Act shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company, and not later, and shall be so voidable notwithstanding that the company is in course of being wound up.

Effect of irregular allotment.
Imp. 1904, s. 5.

(2) If any director of a company knowingly contravenes or permits or authorizes the contravention of any of the foregoing provisions of this part of this Act with respect to allotment he shall be liable to compensate the company and the allottee respectively for any loss, damages or costs which the company or the allottee may have sustained or incurred thereby; provided that proceedings to recover such loss, damages or costs shall not be commenced after the expiration of two years from the date of the allotment.

Restrictions on
commence-
ment of busi-
ness. Imp.
1900, s. 6.

108.—(1) A company shall not commence any business or exercise any borrowing powers unless:

- (a) Shares held, subject to the payment of the whole amount thereof in cash, have been allotted to an amount not less in the whole than the minimum subscription; and
- (b) Every director of the company has paid to the company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares offered for public subscription; and
- (c) There has been filed with the Provincial Secretary a statutory declaration by the secretary or one of the directors, in the prescribed form, that the aforesaid conditions have been complied with.

Certificate that
company may
commence
business.

(2) The Provincial Secretary may, on the filing of this statutory declaration, certify that the company is entitled to commence business, and that certificate shall be conclusive evidence that the company is so entitled; Provided, however, that upon it being shewn that such certificate was made upon any false statement or upon the withholding of any material statement, the Provincial Secretary may cancel and annul such certificate.

Contracts made
before com-
pany entitled
to commence
business.

(3) Any contract made by a company before the date at which it is entitled to commence business shall be provisional only, and shall not be binding on the company until that date, and on that date it shall become binding.

Simultaneous
offer of shares
and debentures
for subscription

(4) Nothing in this section shall prevent the simultaneous offer for subscription of any shares and debentures or the receipt of any application.

Penalty for
commencing
business before
proper time.

(5) If any company commences business or exercises borrowing powers in contravention of this section every person who is responsible for the contravention shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding fifty dollars for every day during which the contravention continues.

109. All sums received by the company or by any promoter, director, officer or agent thereof shall be held in trust by the company or such promoter, director, officer or agent until the same may be deposited in a chartered bank to the credit of the company and shall there remain in trust until the issue of the aforesaid certificate by the Provincial Secretary.

Monies to be held in trust.

110.—(1) Whenever a company makes any allotment of its shares the company shall, within one month thereafter, file with the Provincial Secretary:

Return of allotments.

(a) A return of the allotments, stating the number and nominal amount of the shares comprised in the allotment, the names, addresses and descriptions of the allottees, and the amount (if any) paid or due and payable on each share; and

(b) In the case of shares allotted in whole or in part for a consideration other than cash, a contract in writing constituting the title of the allottee to such allotment, together with any contract of sale, or for services or other consideration in respect of which such allotment was made and a return stating the number and nominal amount of shares so allotted, the extent to which they are to be treated as paid up, and the consideration for which they have been allotted.

(2) If default is made in complying with the requirements of this section every director, manager, secretary or other officer of the company who is, knowingly, a party to the default, shall be liable upon summary conviction to a fine not exceeding fifty dollars for every day during which the default continues.

Penalty for default.

111.—(1) Every company shall, within a period of not less than one month nor more than three months from the date at which the company is entitled to commence business, hold a general meeting of the shareholders of the company, which shall be called the statutory meeting.

Statutory meetings.

(2) The directors shall, at least ten days before the day on which the meeting is held, forward to every shareholder of the company a report certified by not less than two directors of the company, stating:

Report to be sent to shareholders.

(a) The total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;

(b)

- (b) The total amount of cash received by the company in respect of such shares, distinguished as aforesaid;
- (c) An abstract of the receipts and payments of the company on capital account to the date of the report, and an account or estimate of the preliminary expenses of the company;
- (d) The names, addresses and descriptions of the directors, auditors (if any), manager (if any), and secretary of the company; and
- (e) The particulars of any contract, the modification of which is to be submitted to the meeting for its approval, together with the particulars of the modification or proposed modification.

Report to be certified by auditors.

(3) The report shall, so far as it relates to the shares allotted by the company, and to the cash received in respect of such shares, and to the receipts and payments of the company on capital account, be certified as correct by the auditors, if any, of the company.

Report to be filed with Provincial Secretary.

(4) The directors shall cause a copy of the report, certified as by this section required, to be filed with the Provincial Secretary forthwith after the sending thereof to the members of the company.

List of shareholders to be produced at meeting.

(5) The directors shall cause a list showing the names, descriptions and addresses of the shareholders of the company, and the number of shares held by them, respectively, to be produced at the commencement of the meeting, and to remain open and accessible to any shareholder of the company during the continuance of the meeting.

Shareholders may discuss business of company at meeting.

(6) The shareholders of the company present at the meeting shall be at liberty to discuss any matter relating to the formation of the company, or arising out of the report, whether previous notice has been given or not, but no resolution of which notice has not been duly given may be passed.

Adjournments.

(7) The meeting may adjourn from time to time, and at any such adjourned meeting any resolution of which notice has been duly given, either before or subsequently to the former meeting, may be passed, and the adjourned meeting shall have the same powers as an original meeting.

Application to Court if default made in holding meeting.

(8) If default is made in filing such report as aforesaid or in holding the statutory meeting, then at the expiration of fourteen days after the last day on which the meeting ought to have been held any shareholder may petition the Court for the winding up of the company in the manner hereinafter provided in that behalf, and, upon the hearing of the petition, the Court may either direct that the company

company be wound up or give directions for the report being filed or a meeting being held, or make such other order as may be just, and may order that the costs of the petition be paid by any persons who, in the opinion of the Court, are responsible for the default.

112. This part of this Act shall apply to all companies offering shares for public subscription and shall not apply to a company incorporated before the commencement of this Act. Application of this part.

PART IX.

BOOKS, INSPECTIONS AND AUDITORS.

113. The corporation shall cause the secretary, or some other officer especially charged with that duty, to keep a book or books wherein shall be kept recorded:— Record book to be kept and what to contain.

- (a) A copy of the Letters Patent incorporating the corporation and of any Supplementary Letters Patent issued to the corporation and if incorporated by Special Act, a copy of such Act;
- (b) The names, alphabetically arranged, of all persons who are or have been shareholders or members of the corporations;
- (c) The post office address and calling of every such person while such shareholder or member;
- (d) The names, post office addresses and callings of all persons who are or have been directors of the corporation, with the several dates at which each person became or ceased to be such director.

And in cases of companies having share capital—

- (e) The number of shares held by each shareholder;
- (f) The amounts paid in, and remaining unpaid, respectively, on the shares of each shareholder;
- (g) The date and other particulars of all transfers of shares in their order. R.S.O. c. 191, s. 71.

114. The books referred to in the preceding section as well as those referred to in section 120 shall be kept at the head office of the company within the Province, whether the company is permitted to hold its meetings out of Ontario or not. Any director, officer or employee of a company who shall remove or assist in removing such books from Ontario or who shall act contrary to the provisions of

PROVISO.

of this section shall be liable on summary conviction to a penalty of \$200; Provided, however, that upon necessity therefor being shewn and adequate assurance being given that such books may be inspected within Ontario by any person entitled thereto after application for such inspection to the Provincial Secretary, the Lieutenant-Governor in Council may relieve any company permitted to hold its meetings out of Ontario from the provisions of this section upon such terms as may be fit.

Penalty for false entries.

115. No director, officer or servant of the corporation shall knowingly make or assist to make any untrue entry in any book or books of the company, or shall refuse or neglect to make any proper entry therein; and any person violating wilfully the provisions of this section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby. R.S.O. 1897, cap. 191, s. 72.

Powers of Judge as to entries in, omissions from and rectification of books.

116.—(1) If the name of any person is without sufficient cause, entered in or omitted from such book or books of the corporation, or if default is made or unnecessary delay takes place in entering in said books the fact of any person having ceased to be a shareholder or member of the corporation, the person or shareholder or member aggrieved, or any shareholder or member of the corporation, or the corporation itself may apply to a Judge of the High Court of Justice for an order that the book or books be rectified, and the Judge may either refuse such application or he may make an order for the rectification of the said book or books, and may direct the corporation to pay the costs of such motion or application and any damages the party aggrieved may have sustained. The Judge may in any proceeding under this section, decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in or omitted from the said books of the corporation whether such question arises between two or more shareholders, or alleged shareholders or members, or between any shareholders or alleged shareholders or members and the corporation, and the Judge may in any such proceeding decide any question which it may be necessary or expedient to decide for the rectification of the said books.

Decision as to title.

Directing issue, to be tried.

(2) The Judge may direct an issue to be tried in which any question of law may be raised.

Appeal.

(3) An appeal shall lie from the decision of such Judge as if the same had been given in an action.

Jurisdiction of Courts not affected.

(4) This section shall not deprive any Court of any jurisdiction it may have. R.S.O., c. 191, s. 73.

(5) The costs of any proceeding under this section shall be in the discretion of the Judge.

117. The books referred to in section 113 shall during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders, members and creditors of the corporation and their personal representatives or agents, at the head office or chief place of carrying on its undertaking, and every such shareholder, member, creditor, agent or representative, may make extracts therefrom. R.S.O., c. 191, s. 74.

Books to be open for inspection.

118. Any director or officer who refuses to permit any person entitled thereto to inspect such book or books, or make extracts therefrom, shall be liable upon summary conviction to a penalty of \$100. R.S.O., c. 191, s. 75.

Liability for refusal to allow inspection of books.

119. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any action or proceeding against the corporation or against any shareholder or member. R.S.O., c. 191, s. 76.

Books to be prima facie evidence.

120. The directors shall cause proper books of account to be kept containing full and true statements:—

Books of account to be kept.

(a) Of the financial transactions of the corporation;

(b) Of the assets of the corporation;

(c) Of the sums of money received and expended by the corporation, and the matters in respect of which such receipt or expenditure takes place, and

(d) Of the credits and liabilities of the corporation; and also a book or books containing minutes of all the proceedings and votes of the corporation, or of the board of directors, respectively, and the by-laws of the corporation, duly authenticated, and such minutes shall be verified by the signature of the president, or other presiding officer of the corporation. R.S.O., c. 191, s. 77.

121. If any person in any return, report, certificate, balance-sheet or other document required by or for the purposes of this Act, wilfully makes a statement false in any material particular he shall be liable on summary conviction to imprisonment not exceeding three months, with or without hard labour, and to a fine of \$100 in lieu of or in addition to such imprisonment as aforesaid. R.S.O., c. 191, s. 97.

False returns, etc.

122.—(1) Upon an application by not less than one-fifth in value of the shareholders of a company, or one-fifth

The Court may appoint an inspector.

fifth in number of the members of a corporation without share capital, a Judge of the High Court of Justice may appoint an inspector to investigate the affairs and management of the corporation. Such inspector shall report thereon to the Judge, and the expense of such investigation shall, in the discretion of the Judge, be defrayed by the corporation or by the applicants, or partly by the corporation and partly by the applicants, as he may order, and he may require the applicants to give security to cover the probable cost of the investigation, and he may make rules and prescribe the manner in which and the extent to which the investigation shall be conducted; or the Judge may examine the officers or directors of the company under oath as to matters that shall come in question.

Examination
by company.

(2) A corporation may by resolution passed at the annual meeting, or at a special general meeting called for the purpose, appoint an inspector to examine into the affairs of the corporation. The inspector so appointed shall have the same powers and perform the same duties as an inspector appointed by a Judge of the High Court of Justice, and he shall make his report in such manner and to such persons as the corporation by said resolution directs.

Powers and
duties of
inspector.

Production of
books and
documents.

(3) It shall be the duty of all officers and agents of the corporation to produce for the examination of any such inspector all books and documents in their custody or power. Any such inspector may examine upon oath the officers and agents of the corporation in relation to its business, and may administer such oath accordingly. If any officer or agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the corporation, he shall upon summary conviction be liable to a fine not exceeding \$20, in respect of each offence. R.S.O., c. 191, s. 80.

Examination
on oath.

Penalty for
non-produce-
tion.

Accounts shall
be audited

123. The accounts of the corporation shall be examined once at least in every year, and the correctness of the balance-sheet shall be ascertained by an auditor or auditors. R.S.O., c. 191, s. 87.

First auditors.

124. The first auditors of the corporation may be appointed by the directors before the first meeting of the shareholders or members, and the auditors so appointed shall hold office until the first general meeting.

Appointment
of auditors.

125. Thereafter the auditors shall be appointed by resolution at a general meeting of the corporation; they shall hold office until the next annual meeting unless previously removed by a resolution of the shareholders or members in general meeting. R.S.O., c. 191, s. 88.

126. The said auditors may be shareholders or members of the corporation, but no person shall be eligible as an auditor who is interested, otherwise than as a shareholder or member, in any transaction of the corporation, and no director or other officer of the corporation shall be eligible during his continuance in office. R.S.O., c. 191, s. 89. ^{A may be shareholders.}

127. If an appointment of auditors is not made at an annual meeting, the Provincial Secretary may, on the application of any member or shareholder of the corporation, appoint an auditor of the corporation for the current year, and fix the remuneration (if any) to be paid to him by the corporation for his services. ^{Provincial Secretary may appoint.}

128. The directors of a corporation may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors (if any) may act, and any auditor shall be eligible for re-appointment. ^{Directors may fill vacancies.}

129. The remuneration of the auditors of a corporation shall be fixed by the corporation in general meeting, except that the remuneration of any auditors appointed before the first general meeting or to fill any casual vacancy may be fixed by the directors. ^{Remuneration of auditors.}

130. Every auditor of a corporation shall have the right of access at all times to the books, accounts and vouchers of the corporation, and shall be entitled to require from the directors and officers of the corporation such information and explanation as may be necessary for the performance of his duties, and the auditors shall sign a certificate at the foot of the balance sheet stating whether or not their requirements as auditors have been complied with and shall make a report to the shareholders or members on the accounts examined by them, and on every balance sheet laid before the corporation in general meeting during their tenure of office; and in every such report shall state whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the corporation's affairs as shown by the books of the corporation; and such report shall be read before the corporation in general meeting. ^{Rights and duties of auditors.}

PART IX.

RETURNS AND FEES.

131.—(1) The corporation shall, on or before the first day of February in every year, make out a summary, verified as hereinafter required, containing as of the thirty-first ^{Annual summary of the affairs of the company.}

first day of December preceding, correctly stated, the following particulars:—

Contents of
summary.

- (a) The corporate name of the corporation;
- (b) The manner in which the corporation is incorporated, whether by special Act, or by Letters Patent, and the date thereof;
- (c) The name, residence and post office address of the president, secretary, and treasurer of the corporation;
- (d) The name, residence and post office address of each of the directors of the corporation;
- (e) The date upon which the last annual meeting of the corporation was held;

In case of companies having share capital in addition—

- (f) The place of the head office, giving street and number when possible;
- (g) The amount of the capital of the company and the number of shares into which it is divided;
- (h) The number of shares subscribed for and allotted;
- (i) The number of shares (if any) issued fully paid as consideration for any transfer of assets, good will or otherwise; if none is so issued, this fact to be stated;
- (j) The amount of calls made on each share;
- (k) The total amount of calls received;
- (l) The total amount of shares forfeited;
- (m) The total amount of shares issued as preference shares and the rate of dividend thereon;
- (n) The total amount paid on such shares;
- (o) The total amount of debentures, debenture stock or bonds authorized, and the rate of interest thereon;
- (p) The total amount of debenture stock, bonds or debentures issued;
- (q) The total amount realized from debentures, debenture stock, and bonds;
- (r) The total number of share warrants issued and the names and addresses of the persons to whom same were issued.

If the company be a mining company

- (s) The number of shares sold or otherwise disposed of at a discount or premium;
- (t) The rate at which such shares were sold or disposed of;
- (u) Whether a sworn copy of the by-laws, if any, providing for the sale of stock at a discount or otherwise, was sent to the Provincial Secretary;
- (x) The date, or dates, upon which such by-laws, if any, were passed and sanctioned.

(2) In cases of companies having share capital the summary shall also contain a list of persons who, on the 31st day of December previously, were shareholders of the company; and such list shall state the names alphabetically arranged, and the address and occupation of each such person; the amount of stock held by each; and the amount, if any, unpaid and still due by each such person. List of shareholders.

(3) A duplicate of such summary with the affidavit of verification, shall be posted up in a conspicuous position in the head office of the company on or before the 2nd day of February in each year, and shall be available for inspection by any shareholder or creditor of the company; and the company shall keep the same so posted until another summary is posted under the provisions of this Act. Posting thereof.

(4) The summary of every corporation shall be verified by the affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are, or is, at the proper time out of this Province or otherwise unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit the reason thereof shall be stated in the substituted affidavit. 63 V. c. 23, s. 4. Verification thereof.

(5) The summary, verified as aforesaid, shall, on or before the 8th day of February next after the time hereinbefore fixed for making the summary, be transmitted to the Provincial Secretary. Deposit with Provincial Secretary.

(6) If a corporation makes default in complying with the provisions of this section, the corporation shall incur a penalty of \$20 for every day during which the default continues, and every director, manager or secretary of the corporation, who knowingly and wilfully authorizes or permits such default, shall incur the like penalty, but such penalties shall be recoverable only by action at the suit of or brought by a private person suing on his own behalf with the written consent of the Attorney-General of the Province of Ontario. Penalty for default.

When section
not to apply.

(7) This section shall not apply to any corporation until the 1st day of February next after the 31st day of December of the year in which the corporation was organized, or has gone into actual operation, whichever shall first happen. R.S.O., c. 191, s. 79.

Fees on letters
patent, etc., to
be fixed by
Order-in-
Council.

132.—(1) The Lieutenant-Governor in Council may from time to time, establish, alter and regulate the tariff of fees to be paid to the Provincial Secretary on applications, returns, filings, and all transactions under this Act; and may prescribe the form of proceedings and record in respect thereof, and all other matters requisite for carrying out the objects of this Act.

Fees may vary
in amount.

(2) Such fees may be made to vary in amount, under any rule or rules—as to nature of the corporation, amount of capital and otherwise—that may be deemed expedient.

Restriction.

(3) No step shall be taken in the Department towards the issue of any letters patent or supplementary letters patent, or the filing of any document under this Act, until all fees therefor and all fees due the Department for any other service have been duly paid. R.S.O., c. 191, s. 95.

No compliance
with Act to file
returns, etc.,
without pay-
ment of fees.

133. No tender or transmission of any return, by-law or other document shall be deemed to be a due compliance with the provisions of this Act unless and until the prescribed fee for receiving and filing the same has been paid to and has been accepted by the Provincial Secretary.

Evidence of
by-laws.

134. A copy of any by-law of the corporation under its seal and purporting to be signed by any officer of the corporation or a certificate, similarly authenticated, to the effect that a person is a shareholder or member of the corporation that a call or calls or dues, assessments or other payments has or have been made are due and have not been paid shall be received as *prima facie* evidence of the by-law or of the statements contained in such certificate in all Courts in Ontario. R.S.O., c. 191, s. 66.

Authentication
of summons
and notices.

135. Any writ, notice, order or proceeding requiring authentication by the corporation may be signed by any director, manager or other authorized officer of the corporation, and need not be under the seal of the corporation. R.S.O., c. 191, s. 67.

Service of
notices.

136. A notice or demand to be served or made by the corporation upon a shareholder or member may be served or made either personally or by post, registered, and addressed to the shareholder or member at his place of abode as it last appeared on the books of the corporation. R.S.O. c. 191, s. 68.

137. A notice or other document served by post by the corporation on a shareholder or member shall be held to be served at the time when the registered letter containing it would be delivered in the ordinary course of post; and to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed and registered, and was put into the post office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post. R.S.O., c. 191, s. 69.

Time of service.

Proof of service.

138. Any by-law by this Act required to be sanctioned by a two-thirds vote of the shareholders at a general meeting specially called for considering the same may in lieu thereof be validly sanctioned by the consent in writing of all the shareholders.

By-laws may be sanctioned by written consent of shareholders.

PART X.

MINING COMPANIES.

139. A mining company heretofore incorporated or hereafter incorporated under this Act and made by the Letters Patent subject to the provisions of this part of the Act, may issue its shares at a discount or at any other rate in the manner hereinafter provided.

Issuing shares at a discount.

140. No shareholder of such company holding shares issued as herein provided, shall be personally liable for non-payment of any calls made upon his shares beyond the amount agreed to be paid therefor. R.S.O., c. 197, s. 5, ss. 5.

Shareholders not personally liable for calls

141. No shares shall be issued at a discount unless authorized by a by-law of the company confirmed by a majority of the shareholders thereof, at a meeting duly called for considering the same, fixing and declaring the rate and any other term and conditions of issue. R.S.O. c. 197, s. 5, ss. 1, *part*.

By-law authorizing issue of shares at a discount.

142. A copy of such by-law shall, within twenty-four hours after the same was confirmed, be transmitted by post, registered and prepaid, to the Provincial Secretary, or be filed in the office of the Provincial Secretary within five days, and such copy shall be verified as a true copy by the joint affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are, or is, at the proper time unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit the reason therefor shall be stated in the substituted affidavit. R.S.O., c. 197, s. 5, ss. 1, *in part*.

By-law must be verified.

"No personal liability" to appear on documents issued by company.

Certificates of shares, what to contain.

Sale of shares no non-payment of calls

143. Every such mining company shall have written or printed, immediately after or under the name of such company, wherever such name may be used by the company or any director, officer, servant or employee thereof, and shall have engraved upon its seal the words "No PERSONAL LIABILITY"; and upon every share certificate issued by the company, distinctly written or printed in red ink, where such share certificates are issued in respect of shares subject to call, the words "SUBJECT TO CALL"; or if in respect to shares not subject to call, the words "NOT SUBJECT TO CALL," according to the fact. R.S.O., c. 197, s. 5, ss. 2, 3

144. In the event of any call or calls on shares in a company subject to the provisions of this part of this Act remaining unpaid by the holder thereof for a period of sixty days after notice and demand of payment, such shares may be declared to be in default, and the secretary of the company may advertise such shares for sale at public auction to the highest bidder for cash by giving notice of such sale in a newspaper published at the place where the principal office of the company is situated, or in case no newspaper is published thereat, then in a newspaper published at the nearest place to said office once a week for four successive weeks; and said notice shall contain the numbers of the share certificates in respect of such shares and the number of shares, the amount of the call or calls due and unpaid and the time and place of sale; and in addition to the publication of the notice aforesaid, notice shall be personally served upon such shareholder by registered letter mailed to his last known address; and if the holder of such shares fails to pay the amount due upon such shares with interest upon the same and cost of advertising before the time fixed for such sale, the secretary shall proceed to sell the same, or such portion thereof as shall suffice to pay such calls together with interest and cost of advertising; provided that if the price of the shares so sold exceeds the amount due with interest and costs thereon, the excess thereof shall be paid to the defaulting shareholder. R.S.O., c. 197, s. 5, ss. 4.

Penalty.

145. A company which acts in contravention of any provision of this part of the Act, and every director, manager, officer or agent thereof, shall be liable on summary conviction to a fine of \$200 and costs. R.S.O., c. 197, s. 7.

Liability of Directors for wages.

146. Notwithstanding anything contained in this part of this Act, the directors of the company shall be liable as provided by section 94 of this Act. R.S.O., c. 197, s. 8.

PART

PART XI.

TRUST COMPANIES.

147.—(1) No company shall be incorporated, or otherwise authorized, by Letters Patent to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor's estate or committee of a lunatic's estate, and no Letters Patent shall be granted to any company heretofore incorporated conferring any such powers upon such company unless such company complies with the provisions of this part of this Act. R.S.O., c. 206, s. 4.

Companies to which Act applies.

148. At all times at least three-fourths of the shares of a company incorporated under the provisions of this part of this Act, shall be held by persons who are residents of this Province, or by companies incorporated under the laws of this Province. If at any time it is shewn to the satisfaction of the Lieutenant-Governor in Council that less than three-fourths of the shares of the company are held otherwise than as aforesaid, the Letters Patent incorporating the company may be forfeited under the provisions of section 22 of this Act. R.S.O., c. 206, s. 4, ss. 2, of section 22 of this Act. R.S.O., c. 206, s. 4, ss. 2.

149. No company shall receive authority by letters patent to become or be appointed guardian of the persons of infants or committee of the persons of lunatics. R.S.O. c. 206, s. 5.

Companies not to act as guardians or committees.

150. The Lieutenant-Governor in Council may from time to time make regulations regarding notice of application for incorporation of trust companies, the objects of incorporation and evidence that the general fitness of the applicants for the discharge of the duties appertaining to such trusts as aforesaid is such as to command the confidence of the public, and that the public convenience and advantage will be promoted by granting to the company the powers applied for.

Regulation regarding applications.

151. The liability of a trust company to persons interested in an estate held by the company as executor, administrator, trustee, receiver, assignee, guardian or committee as aforesaid, shall be the same as if the estate had been held by any private person in the like capacity, and its powers shall be the same. R.S.O., c. 206, s. 9.

Liability of trust companies.

152. The Provincial Secretary may, from time to time, appoint a person to investigate the affairs and management of any trust company; and such person shall report thereon and upon the security afforded to those by or for whom the engagements of the company are held; and the expense of such investigations shall be defrayed by the company; and such person may examine the officers or directors

Provincial Secretary may investigate.

tors of the company under oath for the purposes of such investigation. R.S.O., c. 206, s. 10, *in part*.

Trust companies not to issue debentures.

153. No company incorporated under this Act, or chapter 157 of the Revised Statutes of Ontario, 1887, or chapter 206 of the Revised Statutes of Ontario, 1897, or any other general Act with power to execute the office of executor, administrator, trustee, receiver, assignee, guardian of the estate of a minor, or committee of the estate of a lunatic, shall issue debentures. R.S.O., c. 206, s. 12.

Rev. Stat. c. 191.

PART XII.

COMPANIES OPERATING MUNICIPAL FRANCHISES AND PUBLIC UTILITIES.

Application of this part of Act.

154. This part of the Act shall apply to all applications for incorporation of companies intended to operate or control any public or municipal franchise, undertaking or utility or which may require for its purposes the erection of any permanent structure in or upon any highway, stream or adjoining navigable waters, and to such companies when incorporated. *New*.

Material to be produced in application.

155. With the application for incorporation the applicants shall produce to the Provincial Secretary:

- (a) Evidence that the proposed capital is sufficient to carry out the objects for which the company is to be incorporated; that such capital has been subscribed or underwritten and that the applicants are likely to command public trust and confidence in the undertaking;
- (b) A detailed description of the plant, works and intended operations of the company, and an estimate of their cost;
- (c) A by-law of every municipality in which the operations of the company are to be carried on authorizing the execution thereof in the manner set out in the detailed description above referred to;
- (d) If the undertaking is to be carried on in an unorganized district, a report from the Minister of Lands, Forests and Mines approving of the undertaking.
- (e) If it is proposed that the company shall acquire any plant, works, land, undertaking, good will, contract or other property or assets, a detailed statement of the nature and value thereof.

Referring application to engineers, etc., for report.

156. The Provincial Secretary may refer the application and all statements, evidence and material filed thereon to engineers, architects, valuers or other experts for consideration

sideration, investigation and report regarding the public necessity for the undertaking of the company, the amount of capital required therefor, the value of any plant, works, lands, undertaking, good will, contract or other property or assets to be acquired by the company and any other matter which may appear to be in the public interest regarding such undertaking.

157. All Letters Patent and Supplementary Letters Patent of companies to which the provisions of this part of this Act are made applicable and of all companies heretofore incorporated for any purpose referred to in section 154, shall be issued on order of the Lieutenant-Governor in Council, and such Letters Patent or Supplementary Letters Patent may be issued in terms and conditions different from those applied for.

Letters Patent to be issued on Order in Council.

158. Notice of the application shall be published in such manner and shall be given to such persons or corporations as the Provincial Secretary may determine.

Notice of application.

159. The term of existence of the company may be limited by the Letters Patent.

Existence of company.

160. The Letters Patent may limit (1) the rate of dividend payable on the shares of the capital stock of the company and on debentures or other securities, and (2) the amount which the company may borrow on debentures, mortgages or other securities.

Limitations in charter.

161. Upon any application for Supplementary Letters Patent extending the powers, increasing the capital or otherwise varying any term of the Letters Patent the company shall produce such evidence and statements as are referred to in section 155 hereof and such other evidence and statements as the Provincial Secretary may require, and he may refer the same in the manner and for the purposes set out in section 156.

Proofs, etc., to be produced on application for Supplementary Letters Patent.

162. The Supplementary Letters Patent may fix the conditions upon which any shares, debentures, or other securities of the company, therein provided to be issued, may be allotted, sold or otherwise disposed of, and may vary any term, condition or proviso of the application therefor.

Supplementary Letters Patent, what may be contained in.

163. No provision contained herein or in the Letters Patent of the company regarding the issue of debentures or other securities or the making of mortgages to secure the same shall in any way prejudice the right which any municipality may have under the statute in that behalf to take possession of the plant and undertaking of the company.

Rights of municipality preserved.

Company may
make by-law.

164. The company may pass by-laws regarding the control and management of its undertaking; its dealings with the public it is incorporated to serve; the collection of tolls, charges, rates or levies for the public service given by the company; and for the use, protection and care of its property while being used, enjoyed or otherwise subject to public use, and may impose penalties for the infraction thereof; provided, however, that no such by-laws shall have any force or effect or be acted upon until approved by the Lieutenant-Governor in Council and published four times in a public newspaper published at the place where the undertaking of the company is carried on, or as near thereto as may be, and in the *Ontario Gazette*.

Additional
returns.

165. In addition to the other returns which may be required by this or any other Act, the company shall on or before the 8th day of February in each year make a report to the Provincial Secretary, under oath of the president and secretary which shall specify:

What the re-
port is to con-
tain.

- (a) The cost of the work, plant and undertaking of the company;
- (b) The amount of its capital, and the amount paid thereon;
- (c) The amount received during the year from tolls, levies, rates and charges and all other sources, stating each separately;
- (d) The amount and rate of dividends paid;
- (e) The amount expended for repairs; and
- (f) A detailed description of any extension or improvement of the works or of any new works proposed to be undertaken in the current year, together with an estimate of the cost thereof.

Every com-
pany to keep
regular books
of account.

166. The books of account of the company shall be at all times open to the inspection and examination of any shareholder.

inspection of
books.

167. The Provincial Secretary may appoint a person to inspect and examine such books and every person so appointed may take copies or extracts from the same, and may require and receive from the keeper of such books, and also from the president and each of the directors of the company, and all the other officers and servants thereof, all such information as to such books and the affairs of the company generally, as the person so appointed deems necessary for the full and satisfactory investigation into and report upon the state of the affairs of the company, so as to enable him to ascertain the correctness of statements furnished by the company.

168. The Lieutenant-Governor in Council may, by Supplementary Letters Patent, extend the term of existence of any company incorporated for a limited period under this Act, for such further period as by Order-in-Council made previous to the expiry of such period he may direct, and the provisions of this Act having regard to the expiration of the term of existence of a company shall thereupon apply to such term as so extended.

Existence of company may be extended by supplementary letters patent.

PART XIII.

EXPROPRIATION.

169. A company incorporated for the purpose of operating any municipal or other public franchise, utility or undertaking and to which this part of this Act is made applicable by the Letters Patent may take, without the consent of the owner thereof, lands and easements therein which may be necessary for the purposes of its undertaking, in like manner as under the provisions of *The Ontario Railway Act* in that behalf lands may be expropriated for the purpose of a railway; Provided, however, that any such right of expropriation may be limited or any section or sections of the said *The Ontario Railway Act* may be excluded.

Expropriation

170. This part of the Act shall apply to any company heretofore incorporated under any general or special Act for the purposes referred to in section 154.

Application of Part XIII.

PART XIV.

WINDING UP COMPANIES.

171. If a contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representative, heirs and devisees shall be liable in due course of administration to contribute to the assets of the corporation in discharge of the liability of such deceased contributory, and such personal representatives, heirs, and devisees shall be deemed to be contributories accordingly. R.S.O., c. 222, s. 3, ss. 3.

Case of death of contributory.

172. The liability of any person to contribute to the assets of a corporation under this Act, in the event of the same being wound up, shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made as hereinafter mentioned for enforcing such liability.

Nature of liability of contributory.

173. A corporation may be wound up voluntarily under this Act:

Voluntary winding up.

1. Where the period, if any, fixed for the duration of the corporation by the Act, charter or instrument of incorporation has expired; or where the event (if any) has occurred, upon the occurrence of which it is provided by the Act or Letters Patent or instrument of incorporation that the corporation is to be dissolved and the corporation in general meeting has passed a resolution requiring the corporation to be wound up;
2. Where the corporation in general meeting called for that purpose has passed a resolution requiring the corporation to be wound up;
3. Where the corporation (though it may be solvent as respects creditors) has passed a resolution in general meeting to the effect that it has been proved to its satisfaction that the corporation cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same. R.S.O. 1887, c. 183, s. 4.

Commence-
ment of wind-
ing up.

174. A winding up shall be deemed to commence at the time of the passing of the resolution authorizing the winding up. R.S.O. 1887, c. 183, s. 6.

Corporation to
cease business.

175. Whenever a corporation is wound up voluntarily, the corporation shall, from the date of the commencement of such winding up, cease to carry on its undertaking, except in so far as may be required for the beneficial winding up thereof, and all transfers of shares, except transfers made to or with the sanction of the liquidators, or alteration in the status of the members of the corporation, taking place after the commencement of such winding up, shall be void, but its corporate state and all its corporate powers shall, notwithstanding it is otherwise provided by its constituting instrument or by-laws, continue until the affairs of the corporation are wound up. R.S.O. c. 222, s. 8, ss. 1.

Notice of reso-
lution to be
given.

176. Notice of any resolution passed for winding up a corporation voluntarily shall be given by advertisement in the *Ontario Gazette* and filed in the office of the Provincial Secretary.

No suit or
action against
corporation
after wind-
ing up.

177. After the commencement of the winding up, no suit, action or other proceeding shall be proceeded with or commenced against the corporation, and no attachment, sequestration, distress or execution shall be put in force against the estate or effects of the corporation. Provided, however, that after a winding up order has been made by the Court as hereinafter provided, such suit, action or other proceeding,

proceeding, attachment, sequestration, distress or execution may be proceeded with by leave of the Court and subject to such terms as the Court may impose. And further provided that this section shall not apply to any proceeding taken under *The Winding-up Act* of the Parliament of the Dominion of Canada or other Act respecting Insolvency or Bankruptcy for the time being in force.

178. The following consequences shall ensue upon the voluntary winding up of a corporation: Consequences of winding up.

- (1) The property of the corporation shall be applied in satisfaction of all its liabilities *pari passu*, and, subject thereto, shall, unless it be otherwise provided by the by-laws of the corporation, be distributed *pro rata* amongst the members or shareholders according to their rights and interests in the corporation;
- (2) In distributing the assets of the corporation, the salary or wages of all clerks and wage-earners in the employment of the corporation due at the date of the commencement of the winding-up or within one month before, not exceeding three months' salary or wages, shall be paid in priority to the claims of the ordinary general creditors, and such persons shall be entitled to rank as ordinary or general creditors for the residue of their claims. Privilege of claims of clerks and employees allowed to a certain extent 60 V. c. 36, s. 196.
- (3) Liquidators shall be appointed for the purpose of winding up the affairs of the corporation and distributing the property;
- (4) The corporation in general meeting shall appoint such person or persons as it thinks fit to be liquidators or a liquidator, and may fix the remuneration to be paid to them or him;
- (5) If one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him;
- (6) Upon the appointment of liquidators all the powers of the directors shall cease except in so far as the corporation in general meeting or the liquidators may sanction the continuance of such powers;
- (7) When several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or in default of such determination by any number not less than two;

- (8) The liquidators shall settle the list of contributories of the corporation and any list so settled shall be *prima facie* evidence of the liability of the persons named therein to be contributories;
- (9) The liquidators may at any time after the passing of the resolution for winding up the corporation and before they have ascertained the sufficiency of the assets of the corporation, call on all or any of the contributories, for the time being settled on the list of contributories, to the extent of their liability to pay all or any sums they deem necessary to satisfy the debts and liabilities of the corporation, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves, and the liquidators may in making a call take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same;
- (10) The liquidators shall pay the debts of the corporation and adjust the rights of the contributories, shareholders or members amongst themselves.

Payment of
costs and
expenses.

179. All costs, charges and expenses properly incurred in the voluntary winding up of a corporation, including the remuneration of the liquidators, shall, after taxation by a taxing officer of the High Court who is hereby empowered to tax the same, be payable out of the assets of the corporation in priority to all other claims. R.S.O., c. 222, s. 20.

Power of
liquidators.

180. The liquidators shall have power to do the following things:

- (1) To bring or defend any action, suit or prosecution, or other legal proceeding, civil or criminal, in the name and on behalf of the corporation;
- (2) To carry on the business of the corporation so far as may be necessary for the beneficial winding up of the same;
- (3) To sell the real and personal property, effects and things in action of the company by public auction or private contract, with power to transfer the whole thereof to any person or corporation, or to sell the same in parcels;

(4)

- (4) To do all acts and to execute, in the name and on behalf of the corporation, all deeds, receipts and other documents, and for that purpose to use, when necessary, the corporation's seal;
- (5) To draw, accept make and endorse any bill of exchange or promissory note in the name and on behalf of the corporation, also to raise upon the security of the assets of the corporation, from time to time, any requisite sum or sums of money; and the drawing, accepting, making or endorsing of every such bill of exchange or promissory note as aforesaid on behalf of the corporation shall have the same effect with respect to the liability of such corporation as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such corporation in the course of carrying on the business thereof;
- (6) To take out, if necessary, in his official name, letters of administration to the estate of any deceased contributory and to do in his official name any other act that may be necessary for obtaining payment of any moneys due from a contributory or from his estate and which act cannot be conveniently done in the name of the corporation; and in all cases where he takes out letters of administration or otherwise uses his official name for obtaining payment of any moneys due from a contributory, such moneys shall, for the purpose of enabling him to take out such letters or recover such moneys, be deemed to be due to the official liquidator himself;
- (7) To do and execute all such other things as may be necessary for winding up the affairs of the corporation and distributing its assets.

181. A corporation about to be wound up voluntarily, ^{Inspectors.} or in the course of being wound up voluntarily, may, by resolution, delegate to any committee of its members, contributories or creditors, hereinafter referred to as inspectors, the power of appointing liquidators and filling any vacancies in the office of liquidators, or may by a like resolution enter into any arrangement with respect to the powers to be exercised by the liquidators and the manner in which they are to be exercised; and any act done by the said inspectors in pursuance of such delegated power shall have the same effect as if it had been done by the corporation.

Deposit in bank
by liquidators.

182.—(1) The liquidators shall deposit at interest in some chartered bank to be indicated by the inspectors all sums of money which he may have in his hands, belonging to the corporation, whenever such sums amount to \$100.

Separate de-
posit account
to be kept:
withdrawal
from account.

(2) Such deposit shall not be made in the name of the liquidator generally, on pain of dismissal; but a separate deposit account shall be kept for the corporation of the moneys belonging to the corporation, in the name of the liquidator as such, and of the inspectors (if any); and such moneys shall be withdrawn only on the joint cheque of the liquidator and one of the inspectors, if there be any.

Liquidators to
produce bank
pass book at
meetings, etc.

(3) At every meeting of the shareholders or members of the corporation the liquidators shall produce a pass-book, showing the amount of deposits made for the corporation, the dates at which the deposits were made, the amounts withdrawn and dates of such withdrawal; of which production mention shall be made in the minutes of the meeting, and the absence of such mention shall be *prima facie* evidence that the pass-book was not produced at the meetings.

Liquidator to
produce bank
pass book
when ordered.

(4) The liquidator shall also produce the pass-book whenever so ordered by the Court at the request of the inspectors or a member of the corporation, and on his refusal to do so, he shall be treated as being in contempt of Court. R.S.O., c. 222, s. 19, ss. 3, 4, 5, 6.

Meetings of
corporation
during wind-
ing up.

183. Where a corporation is being wound up voluntarily, the liquidators may from time to time, during the continuance of such winding up, summon general meetings of the corporation for the purpose of obtaining the sanction of the corporation by resolution, or for any other purposes they think fit; and in the event of the winding up continuing for more than one year, the liquidators shall summon a general meeting of the corporation at the end of the first year and of each succeeding year from the commencement of the winding up, and shall lay before such meeting an account shewing their acts and dealings, and the manner in which the winding up has been conducted during the preceding year. R.S.O., c. 222, s. 22 (2), (3).

Vacancy in
office of
liquidator.

184. If any vacancy occurs in the office of liquidators appointed by the corporation, by death, resignation or otherwise, the corporation in general meeting may, subject to any arrangement they may have entered into upon the appointment of inspectors, fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators, if any, or by any contributory of the corporation, and shall be deemed to have been duly held in manner prescribed by

by the by-laws of the corporation, or in default thereof in the manner prescribed by this Act for calling general meetings of the shareholders or members of the corporation. R.S.O., c. 222, s. 25 (1), *in part*.

185. The provisions of section 38 of chapter 129 of The Revised Statutes of Ontario shall apply *mutatis mutandis* to liquidators.

Liquidators may distribute assets after expiration of time fixed.

186. The liquidators may, with the sanction of a resolution of the corporation or the inspectors, make such compromise or other arrangement as the liquidators deem expedient, with any creditors, or persons claiming to be creditors, or persons having or alleging to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the corporation whereby the corporation may be rendered liable. R.S.O., c. 222, s. 11.

Arrangements may be authorized with creditors.

187. The liquidators may, with the sanction of a resolution of the corporation or of the inspectors, compromise all calls and liabilities to calls, debts, and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the corporation and any contributory or other debtor or person apprehending liability to the corporation and all questions in any way relating to or affecting the assets of the corporation, or the winding up of the corporation, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon; and the liquidators may take any security for the discharge of such debts or liabilities, and give a complete discharge in respect of all or any such calls, debts or liabilities. R.S.O. c. 222, s. 12.

Power to compromise with debtors and contributories.

Take security.

188.—(1) Where a corporation is proposed to be or is in the course of being wound up, and the whole or a portion of its business or property is proposed to be transferred or sold to another corporation, the liquidators of the first mentioned corporation, with the sanction of a resolution of the corporation by whom they were appointed conferring either a general authority on the liquidators, or an authority in respect of any particular arrangement, may receive, in compensation or in part compensation for such transfer or sale, shares or other like interest in such other corporation, for the purpose of distribution amongst the members of the corporation which is being wound up, or may, in lieu of receiving cash, shares, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing corporation.

Power to accept shares, etc., as a consideration for sale of property to another company.

Sale or arrangement by liquidators binding unless a member objects.

(2) Any sale made or arrangement entered into by the liquidators in pursuance of this section shall be binding on the shareholders or members of the corporation which is being wound up, subject to the proviso that if any member of the corporation which is being wound up, who has not voted in favour of the resolution passed by the corporation of which he is a member, expresses his dissent from any such resolution, in writing, addressed to the liquidators or one of them, and left at the head office of the corporation, or the place where its undertaking is carried on, not later than seven days after the date of the meeting at which such resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer, that is to say, either (a) to abstain from carrying such resolution into effect, or (b) to purchase the interest held by such dissentient member, at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the corporation is dissolved, and to be raised by the liquidators in such manner as may be determined by resolution.

Proceedings on objection.

Special resolution not invalid because prior to resolution to wind up.

(3) No resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to or concurrently with any resolution for winding up the corporation or for appointing liquidators.

Price payable to dissentient member.

(4) The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement; but if the parties dispute about the same such dispute shall be settled by arbitration under the provisions of *The Arbitration Act*. R.S.O., c. 222, s. 13, ss. 1, 2, 3, 4, *amended*.

Application to Master in Ordinary or Local Master for opinion.

189. The liquidator or liquidators or any creditor affected by the provisions of section 162 of this Act or the inspectors may at any time apply to the Master in Ordinary in the County of York or the Local Master in any other county or union of counties for his opinion, advice or direction in any matter arising in the liquidation, and the said master may give such opinion, advice or direction after hearing such parties as he shall direct to be notified or after such steps as he may prescribe have been taken, and such advice, opinion or direction shall be followed and shall be binding upon all parties in the liquidation subject to an appeal to a Judge of the High Court of Justice in Chambers if leave to appeal is given by such master and the order of such Judge of the High Court of Justice shall be final and binding in the liquidation.

Winding-up by Court.

190. A corporation may be wound up by Order of the Court:

1. Where it may be wound up voluntarily;

2.

2. Where proceedings have been taken to wind up voluntarily and it appears to the Court that it is in the interests of contributories and creditors that it should be wound up under the supervision of the Court.
3. Where on the application of a contributory the Court is of the opinion that it is just and equitable that the corporation should be wound up.
4. When the Letters Patent or Supplementary Letters Patent have been declared forfeited or revoked or made void under the provisions of sections 22 or 148.

191. The winding-up order may be made on petition to ^{Who may apply.} a Judge or Local Judge of the High Court in Chambers by the liquidator or by any contributor, shareholder, member or when the corporation is being wound up voluntarily by a creditor having a claim of \$200 or upwards.

192. Where a winding-up order is made by the court without prior voluntary winding-up proceedings, the winding-up shall be deemed to commence at the time of service of notice of motion for the order.

193. The Court may make the order applied for or may dismiss the petition with or without costs; may adjourn the hearing conditionally or unconditionally, or may make any interim or other orders as may be just, and upon the making of the order may, according to the practice and procedure of such court, refer the proceedings for the winding-up and may also delegate any powers of the Court conferred by this Act to a Master or Referee of the Court. R.S.C., c. 129, s. 9. ^{Powers of Court.}

194. The Court in making the winding-up order may appoint a liquidator or liquidators of the estate and effects of the corporation; but no such liquidator shall be appointed unless a previous notice is given to the creditors, contributories, shareholders, or members in the manner and form prescribed by the Court. Provided, however, that if a liquidator has already been appointed in a voluntary liquidation such notice need not be given. R.S.C. c. 129, s. 20. ^{Appointment of liquidator.}

195.—(1) If from any cause there is no liquidator acting either provisionally or otherwise, the Court may on the application of a member of the corporation, appoint a liquidator or liquidators. ^{Appointment by court.}

(2) The Court may also on due cause shewn, remove a liquidator and appoint another liquidator. ^{Removal of liquidator.}

The case of no liquidator.

(3) When there is no liquidator the estate shall be under the control of the Court until the appointment of a new liquidator. R.S.O., c. 222, s. 25, ss. 2, 3, 4.

Proceeding in winding up after order.

196. When a winding-up order has been made proceedings for the winding up of the corporation shall be taken in the same manner and with the like consequences as hereinbefore provided for a voluntary winding up. Provided, however, that the list of contributories shall be settled by the Court except where the same has been settled by the liquidator prior to the winding up order when such list shall be subject to review by the Court and that all proceedings in said winding up shall be subject to the order and discretion of the Court.

Meetings of members of company may be ordered.

197.—(1) The Court may direct meetings of the shareholders or members of the corporation to be summoned, held and conducted in such manner as the Court thinks fit for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court.

Chairman.

Order for delivery by contributories and others of property, etc.

(2) The Court may require any contributory for the time being settled on the list of contributories, or any trustee, receiver, banker, or agent or officer of the corporation to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate, or effects which happen to be in his hands for the time being, and to which the corporation is *prima facie* entitled.

Inspection of books.

(3) The Court may make such order for the inspection by the creditors and contributories of the corporation of its books and papers as the Court thinks just; and any books and papers in the possession of the company may be inspected in conformity with the order of the Court, but not further or otherwise. R.S.O., c. 222, s. 23, ss. 5, 6, 10.

Examination of persons before court or liquidator.

198. The Court may, at any time after the commencement of the winding up of the corporation, summon to appear before the Court or liquidator any officer of the corporation, or any other person known or suspected to have in his possession any of the estate or effects of the corporation, or supposed to be indebted to the corporation, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the corporation, and in case of refusal to appear and answer the questions submitted, he may be committed and punished by the Judge as for a contempt.

Power of court to assess damages

(2) Where in the course of winding up a corporation under this Act, it appears that any person who has taken part

part in the formation or promotion of the corporation or any past or present director, manager, official or other liquidator, or any officer of the corporation has misapplied, or retained in his own hands, or become liable or accountable for, moneys of the corporation, or been guilty of any misfeasance or breach of trust in relation to the corporation, the Court may, on the application of a liquidator, or of any contributory of the corporation, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such promoter, director, manager, or other officer, and compel him to repay the moneys so misapplied or retained, or for which he has become liable or accountable, together with interest, such rate as the Court thinks just, or to contribute such sums of money to the assets of the corporation by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust, as the Court thinks just. R.S.O., c. 222, s. 23, ss. 11, 17.

against delin-
quent direc-
tors, etc.

199. If at any time a member of the corporation desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the corporation, and the liquidator, under the authority of the members of the corporation or of the inspectors, refuses or neglects to take such proceeding, after being duly required so to do, the member of the corporation shall have the right to obtain an order of the Court authorizing him to take such proceeding in the name of the liquidator or corporation, but at his own expense and risk, upon such terms and conditions as to indemnity to the liquidator, as the Court may prescribe; and thereupon any benefit derived from such proceeding shall belong exclusively to the member of the corporation instituting the same, for his benefit and that of any other member of the corporation who may have joined him in causing the institution of such proceeding; but if, before such order is granted, the liquidator signifies to the Court his readiness to institute such proceeding for the benefit of the corporation, an order shall be made prescribing the time within which he shall do so and in that case the advantage derived from such proceeding shall appertain to the corporation. R.S.O., c. 222, s. 24.

Proceedings by
contributories,
at their own
expense and
for their own
benefit only.

200. Any powers by this Act conferred on the Court shall be deemed to be in addition to any other power, of instituting proceedings against any contributory, or against any debtor of the corporation for the recovery of any call or other sums due from such contributory, or against any debtor of the corporation, for the recovery of any call or other sum due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly. R.S.O., c. 222, s. 28.

Powers of
court to be in
addition to
other powers.

Stay of proceedings.

201. The Court at any time after an order has been made for winding up a corporation may, upon the application by motion of any contributory, and upon proof to the satisfaction of the Court that all proceedings in relation to the winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court deems fit. R.S.O., c. 222, s. 33.

Appeals.

202. Any party who is dissatisfied with any order or decision of the Court or of a Master or Referee in any proceeding under this Act, may appeal therefrom to a Judge of the High Court as in the case of a like order made in any action.

Rules of procedure.

203. The Lieutenant-Governor in Council may from time to time make rules of practice and procedure for the due carrying out of the provisions of this part of the Act, and until such rules have been made the practice shall be the same as in cases of administration of estates so far as the same are applicable, or in the Master's Office in cases under the *Winding-Up Act*.

Account of winding up to be made by liquidator to a general meeting.

204.—(1) As soon as the affairs of the corporation are fully wound up, the liquidators shall make up an account shewing the manner in which the winding up has been conducted, and the property of the corporation disposed of; and thereupon they shall call a general meeting of the members or shareholders of the corporation for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators; the meeting shall be called in the manner provided by the by-laws for calling general meetings of the shareholders or members of the corporation.

Return of holding of meeting to be sent to Provincial Secretary.

(2) The liquidator shall make a return to the Provincial Secretary of such meeting having been held, and of the date at which the same was held; which return shall be filed in the office of the Provincial Secretary; and on the expiration of three months from the date of the filing of such return, the corporation shall be deemed to be dissolved. R.S.O., c. 222, s. 40.

Dissolution of company.

Order for dissolution.

205. Whenever the affairs of the corporation have been completely wound up, the Court may make an order that the corporation be dissolved from the date of such order, and the corporation shall be dissolved accordingly; which order shall be reported by the liquidator to the Provincial Secretary. R.S.O., c. 222, s. 41.

Report to Provincial Secretary.

Penalty on default in reporting by liquidator or in making return.

206. If the liquidator makes default in transmitting to the Provincial Secretary the return mentioned in section 187 (2) or in reporting the order (if any) declaring the corporation
19a s.

poration dissolved, he shall be liable on summary conviction to a penalty not exceeding \$20 for every day during which he is in default. R.S.O., c. 222, s. 42.

207. All dividends deposited in a bank and remaining unclaimed at the time of the dissolution of the corporation, shall be left for three years in the bank where they are deposited, and if still unclaimed, shall then be paid over by such bank, with interest accrued thereon, to the Treasurer of Ontario, and, if afterwards duly claimed, shall be paid over by the Treasurer to the persons entitled thereto. R.S.O., c. 222, s. 43.

Disposition of unclaimed dividends.

208.—(1) Every liquidator shall, within thirty days after the date of the dissolution of the corporation, deposit in the bank appointed or named as hereinbefore provided for, any other moneys belonging to the estate then in his hands not required for any other purpose authorized by this Act, with a sworn statement and account of such money, and that the same is all he has in his hands; and he shall be liable on summary conviction to a penalty of not exceeding \$10 for every day on which he neglects or delays such payments; and he shall be a debtor to His Majesty for such money and may be compelled as such to account for any pay over the same.

Deposit by liquidator after dissolution of moneys with sworn statement.

Penalty on omission.

(2) The money so deposited shall be left for three years in the bank, and shall be then paid over, with interest, to the Treasurer of the Province, and if afterwards claimed shall be paid over to the person entitled thereto.

Money to remain on deposit for three years.

(3) Where a corporation has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the corporation and of the liquidators may be disposed of in such a way as the corporation by resolution directs in case of voluntary winding up or the Court in case of winding up under order.

Disposal of books, etc., after winding up.

(4) After the lapse of five years from the date of such dissolution no responsibility shall rest on the corporation or the liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them are not forthcoming to any party claiming to be interested therein. R.S.O. c. 222, s. 44.

After five years responsibility as to custody of books, etc., to cease.

PART XV.

APPLICATION OF ACT AND REPEAL.

209. The Lieutenant-Governor in Council may by Supplementary Letters Patent upon the application of a corporation, a shareholder, a creditor, a holder of bonds, debentures or other securities or obligation thereof to any person, firm or corporation with whom the company may have dealings,

Powers of existing corporations may be varied.

ings, relieve the corporation from any duty, obligation or other disability, or may limit any right, power or other advantage which may have been cast or conferred upon the corporation by the repeal of the general Act under which the said corporation was incorporated and by the enactment of this Act. Notice shall thereupon be given in the *Gazette* by the Provincial Secretary of such Supplementary Letters Patent setting out the manner in which any such duty, obligation or other disability has been relieved or in which such right, power or other advantage has been limited.

Application of
Act.

210. This Act, except in so far as it may have been particularly made otherwise applicable, shall apply to the following companies:

(a) To every company incorporated under any special or general Act of the Parliament of the late Province of Upper Canada.

(b) To every company incorporated under any special or general Act of the Parliament of the late Province of Canada which has its head office and carries on business within the Province of Ontario, and which was incorporated with objects or purposes to which the legislative authority of the Legislature of the Province of Ontario extends; and

(c) To every company incorporated under any special or general Act of the Legislature of the Province of Ontario;

Proviso.

Provided, however, that this Act shall not apply to any such company incorporated for the construction and working of a railway, the business of insurance and the business of a loan corporation within the meaning of *The Loan Corporations Act*; and further provided that the Lieutenant-Governor in Council may relieve any company incorporated before the first day of July, 1907, from compliance with any of the provisions of this Act as may be deemed expedient.

Repeal.

211. The Acts mentioned in Schedule E to this Act are hereby repealed to the extent specified in the third column of that schedule; provided, that

Proviso.

(1) Any Letters Patent, Supplementary Letters Patent, Order-in-Council, certificate, by-law, rule or regulation made or granted with respect to any company, corporation or association within the scope of this Act under any enactment hereby repealed, shall continue in force as if it had been made or granted under this Act;

(2) The corporate existence and powers of all companies, associations or other corporations within the scope of this Act incorporated otherwise than by Letters Patent under
any

4. Your petitioners are of the full age of twenty-one years.

5. The object for which incorporation as aforesaid is sought by your petitioners is to

6. The head office of the Company will be at

7. The amount of the capital stock of the Company is to be dollars.

8. The said stock is to be divided into shares ofdollars each.

9. The said

are to be provisional directors of the Company.

10. By subscribing therefor in a Memorandum of Agreement, duly executed in duplicate, with a view to the incorporation of the Company, your petitioners have taken the amount of stock set opposite their respective names, as follows:—

| Petitioners. | Amount of stock subscribed for. |
|--------------|------------------------------------|
| | \$..... |
| | \$..... |
| | \$..... |
| | \$..... |

YOUR PETITIONERS therefore pray that Your Honour may be pleased by Letters Patent under the Great Seal to grant a Charter to your petitioners constituting your petitioners and such others as have or may become subscribers to the Memorandum of Agreement and stock-book of the Company thereby created, a body corporate and politic for the due carrying out of the undertaking aforesaid.

And your petitioners, as in duty bound, will ever pray.

Signatures of witnesses.

.....
.....
.....
.....
.....
.....

Signatures of petitioners.

.....
.....
.....
.....
.....
.....

Dated at.....this.....day of19 ..

SCHEDULE

SCHEDULE C.

PETITION.

To HIS HONOUR
Etc., Etc., Etc.

Lieutenant-Governor of the Province of Ontario:

THE PETITION OF

.....

.....

.....

.....

.....*Humbly sheweth as follows:*

1. Your petitioners are desirous of obtaining by Letters Patent, under the Great Seal, a charter, under the provisions of *The Ontario Companies' Act*, constituting your petitioners and such others as may become members of the corporation thereby created, a body corporate and politic without share capital under the name of or such other name as shall appear to Your Honour to be proper in the premises.

2. Your petitioners have satisfied themselves and are assured that the corporate name under which incorporation is sought is not on any public ground objectionable, and that it is not that of any known company, incorporated or unincorporated, or of any partnership or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to deceive.

3. Your petitioners have satisfied themselves and are assured that no public or private interest will be prejudicially affected by the incorporation of your petitioners as aforesaid.

4. Your petitioners are of the full age of twenty-one years.

5. The object for which incorporation as aforesaid is sought by your petitioners is to

6. The said

are to be the provisional directors of the Corporation.

7. Your petitioners have subscribed to a memorandum of agreement in duplicate, setting out the purposes and objects of incorporation and provisions for administering the affairs of the Corporation, and have undertaken that the said Corporation shall be carried on without the purpose of gain for its members, and that any profits or other accretions to the Corporation shall be used in promoting its objects.

YOUR PETITIONERS therefore pray that Your Honour may be pleased by Letters Patent under the Great Seal to grant a Charter to your petitioners constituting your petitioners and such others as have or may become subscribers to the Memorandum of Agreement of the Corporation thereby created, a body corporate and politic for the due carrying out of the undertaking aforesaid.

And your petitioners, as in duty bound, will ever pray.

Signature _____

Signature of witnesses.

Signature of petitioners.

Dated at.....this.....day of19 ..

SCHEDULE D.

Memorandum of Agreement of the
Association, made and entered into this day of
1906.

(1) We the undersigned do hereby severally covenant and agree each with the other to become incorporated under the provisions of *The Ontario Companies' Act* as a corporation without share capital for the purposes and objects following:—

(2) The subscribers shall be the first members, and it shall rest with the directors to determine the terms and conditions on which subsequent members shall from time to time be admitted.

(3) The following shall be the first directors of the corporation:—

(4) Any member may transfer his interest in the corporation by instrument in writing, signed both by the transferor and transferee and duly registered with the corporation.

(5) The first general meeting shall be held at such time, not being more than two months after the incorporation of the corporation, and at such place as the directors may determine.

(6) Subsequent general meetings shall be held at such time and place as may be prescribed by the corporation in general meeting; and if no other time or place is prescribed, a general meeting shall be held on the fourth Wednesday in January in every year, at such place as may be determined by the directors.

(7) The directors may, whenever they think fit, and they shall upon a requisition made in writing by any five or more members, convene a general meeting.

(8) Any requisition made by the members shall express the object of the meeting proposed to be called and shall be left at the office of the corporation.

(9) Upon the receipt of such requisition the directors shall forthwith proceed to convene a general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five members may themselves convene a meeting.

(10) Ten days' notice at the least, specifying the place, the day, and the hour of meeting, and in case of special business the general nature of such business shall be given to the members in the manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the corporation in general meeting, but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(11) If within one hour from the time appointed for the meeting a quorum of members is not present, the meeting, if convened upon the requisition of the members, shall be dissolved. In any other case, it shall stand adjourned to the same day in the following week, at the same time and place; and if at such adjourned meeting a quorum of members is not present, it shall be adjourned *sine die*.

(12) The chairman (if any) of the directors shall preside as chairman at every general meeting of the corporation.

If there is no such chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be chairman at such meeting.

(13) The chairman may, with the consent of the meeting, adjourn any meeting from time to time, and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(14) At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the minutes of proceedings of the corporation, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

(15) If a poll is demanded, the same shall be taken in such manner as the chairman directs, and the result of such poll shall be deemed to be the resolution of the corporation in general meeting.

(16) With the consent in writing of all members, a general meeting may be convened on shorter notice than seven days, and in any manner which such members think fit.

(17) The quorum of a general meeting shall be members present in person.

(18) Until otherwise determined by special resolution, every member shall have one vote.

(19) Votes may be given either personally or by proxy. The instrument appointing a proxy shall be in writing, under the hand of the appointor, or if such appointor is a corporation, under its common seal, and shall be attested by one or more witness or witnesses; no person shall be appointed a proxy who is not a member of the corporation.

(20) A resolution signed by all the directors shall be as valid and effectual as if it had been passed at a general meeting of the directors duly called and constituted.

(21) The future remuneration of the directors, and their remuneration for services performed previously to the first general meeting, shall be determined by the corporation in general meeting.

(22) The affairs of the corporation shall be managed by the directors, who may pay all expenses incurred in incorporating the corporation, and may exercise all such powers of the corporation as are not by the foregoing Act, or by these articles, required to be exercised by the corporation in general meeting, subject, nevertheless, to any regulations of this memorandum, to the provisions of the foregoing Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the corporation in general meeting; but no regulation made by the corporation in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made. The continuing directors may act notwithstanding any vacancy in their body.

(23) The office of director shall be vacated:—

(a) If he holds any other office or place of profit under the corporation;

(b) If he is concerned in or participates in the profits of any contract with the corporation;

But the above rules shall be subject to the following exceptions:—that no director shall vacate his office by reason of his being a shareholder of any corporation which has entered into contracts with

with or done any work for the corporation of which he is a director; nevertheless, he shall not vote in respect of such contract of work, and if he does so vote his vote shall not be counted, and in addition thereto, a director shall vacate his office if and when he is requested by the corporation in general meeting to resign.

(23) A retiring director shall be re-eligible.

The corporation at the general meeting at which any directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(24) If at any meeting at which an election of directors ought to take place the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating directors are not filled up, the vacating directors, or such of them as have not had their places filled up, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

(25) The corporation may, from time to time, in general meeting, increase or reduce the number of directors, and may also determine in what rotation any such increased or reduced number is to go out of office.

(26) Any casual vacancy occurring in the board of directors may be filled up by the directors, but any person so chosen shall retain his office so long only as the vacating director would have retained the same if no vacancy had occurred.

(27) The corporation in general meeting may, by a special resolution, remove any director before the expiration of his period of office, and may, by an ordinary resolution, appoint another person in his stead; the person so appointed shall hold office during such time only as the director in whose place he was appointed would have held the same if he had not been removed.

(28) The directors may meet together for the dispatch of business, adjourn, and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the chairman shall have a second or casting vote. A director may at any time summon a meeting of the directors.

(29) The directors may elect a chairman of their meetings, and determine the period for which he is to hold office; but if no such chairman is elected, or if at any meeting the chairman is not present at the time appointed for holding the same, the directors present shall choose some one of their number to be chairman of such meeting.

(30) The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit. Any committee so formed shall, in the exercise of their powers so delegated, conform to any regulations that may be imposed on them by the directors.

(31) A committee may elect a chairman of their meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

(32) A committee may meet and adjourn as they think proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in case of an equality of votes the chairman shall have a second or casting vote.

(33) All acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they, or any of them, were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director, but it shall not be necessary to give notice of a meeting of the directors to a director who is not within the Province.

In testimony whereof we have hereunto set our hands and affixed our seals.

SCHEDULE E.

REPEAL.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|--|
| Revised Statutes of Ontario, Cap. 191. | The Ontario Companies Act. | The whole Act. |
| The Revised Statutes of Ontario, Cap. 194 | The Timber Slides Companies Act. | Sec. 2-17, 20-35 and 60, 62, 63, 64. |
| Revised Statutes of Ontario, Cap. 195. | An Act respecting Joint Stock Companies for the construction of Piers, Wharfs, Dry Docks and Harbors. | Sec. 1-7, 12-14. |
| Revised Statutes of Ontario, Cap. 196. | An Act respecting Joint Stock Companies for the erection of Exhibition Buildings. | Sec. 1-3, 5-7. |
| Revised Statutes of Ontario, Cap. 197. | The Mining Companies Incorporation Act. | The whole Act. |
| Revised Statutes of Ontario, Cap. 199. | An Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water. | Sec. 1-11, 14-17, 20-43, 55-58. |
| Revised Statutes of Ontario, Cap. 200. | An Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power. | Sec. 1-3, 5-8. |
| Revised Statutes of Ontario, Cap. 201. | An Act respecting Cheese and Butter Manufacturing Associations and Companies. | The whole Act. |
| Revised Statutes of Ontario, Cap. 202. | An Act respecting Co-operative Associations. | The whole Act. |
| Revised Statutes of Ontario, Cap. 206. | The Ontario Trust Companies Act. | The whole Act. |
| Revised Statutes of Ontario, Cap. 211. | An Act respecting Benevolent, Provident and other Societies. | The whole Act. |
| Revised Statutes of Ontario, Cap. 213. | An Act respecting Cemetery Companies. | Sec. 1-2, subss. 1-3, 14-20, 25, 26, 30. |
| Revised Statutes of Ontario, Cap. 215. | An Act respecting the changing of the names of Incorporated Companies. | The whole Act. |
| Revised Statutes of Ontario, Cap. 216. | The Directors Liability Act. | The whole Act. |
| Revised Statutes of Ontario, Cap. 217. | An Act to prevent fraudulent statements by Companies and others. | The whole Act. |
| Revised Statutes of Ontario, Cap. 218. | An Act respecting Fees payable by Incorporated Companies and other Bodies. | The whole Act. |
| Revised Statutes of Ontario, Cap. 219. | An Act respecting Returns required from Incorporated Companies. | The whole Act. |
| Revised Statutes of Ontario, Cap. 221. | An Act respecting Investments by Corporations. | The whole Act. |
| Revised Statutes of Ontario, Cap. 222. | The Joint Stock Companies Wind-up Act. | The whole Act. |
| 61 Vic., Cap. 19. | An Act to amend the Ontario Companies Act. | The whole Act. |
| 61 Vic., Cap. 20. | An Act to amend the Timber Slides Companies Act. | The whole Act. |

SCHEDULE

SCHEDULE E.—*Concluded.*

REPEAL.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|-----------------------|--|-----------------------|
| 62 Vic. (2), Cap. 11. | An Act to amend the Statute Law. | Sec. 19, 20 and 21. |
| 63 Vic., Cap. 23. | An Act to amend the Ontario Companies Act. | The whole Act. |
| 63 Vic., Cap. 26. | An Act to provide for the incorporation of Co-operative Cold Storage Associations. | Sec. 1-16 Schedule A. |
| 1 Edw. VII., Cap. 18. | An Act to amend the Ontario Companies Act. | The whole Act. |
| 2 Edw. VII., Cap. 24. | An Act to amend the Ontario Companies Act. | The whole Act. |
| 3 Edw. VII., Cap. 7. | The Statute Law Amendment Act, 1903. | Sec. 34, 35, 36. |
| 4 Edw. VII., Cap. 11. | The Statute Law Amendment Act, 1904. | Sec. 45, 46, 47, 48. |

CHAPTER 35.

An Act to amend The Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

Assented to 20th April, 1907.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Rev. Stat.
c. 199, s. 12,
repealed.

1. Section 12 of the *Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water* as amended by the Act passed in the 5th year of His Majesty's reign, Chaptered 17, and the Act passed in the 6th year of His Majesty's reign, Chaptered 29, is repealed and the following substituted therefor:

Municipalities
subscribing for
stock or guar-
anteeing loans
to company.

12. Any municipality in which the works of such company are erected or placed or any municipality lying in whole or in part within a radius of fifty miles of such municipality in which such works are so placed may by by-law subscribe for and take stock in such company or loan any sum of money on mortgage or otherwise to or guarantee the payment of the bonds or debentures of such company or contribute in any manner towards advancing the objects for which such company has been incorporated or may enter into a contract for leasing the real and personal property, assets and franchises of such company, and such contract of lease may contain an option of purchase of the property, assets and franchises of the company, or may purchase the real and personal property, assets and franchises of the company, either for cash or by instalments of the purchase money. But no such by-law guaranteeing the payment of the bonds or debentures of any such company, or providing for the leasing or purchasing of the property thereof shall be finally passed until the same has received the assent of the electors qualified to vote upon money by-laws in accordance with the provisions of *The Consolidated Municipal Act, 1903*.

CHAPTER 36.

An Act to amend The Ontario Insurance Act.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 36 of section 2 of *The Ontario Insurance Act* is amended by striking out the words "the phrase" in the first line and inserting in lieu thereof the word "heirs." Rev. Stat. c. 203, s. 2, subs. 36 amended.

2. Subsection 1 of section 92 of *The Ontario Insurance Act* as enacted by the Act 1 Edward VII. chapter 21, section 4 is amended by inserting therein after the word "Municipal" in the eleventh line thereof the words "or school." Rev. Stat. c. 203, s. 92 subs. 1 amended.

3. Section 148 of *The Ontario Insurance Act* is amended by adding thereto the following subsection:— Rev. Stat. 203 s. 148 amended

(3) If a claim is made against an insurer on the ground that the assured is presumed to be dead on account of not having been heard of for a period of seven years, and the death of the assured is the sole issue between the parties other than disputes as to the persons entitled, such insurer shall have the right before or after action brought, upon at least ten clear days' notice served on the claimant or his solicitor, to apply to a Judge of the High Court of Justice in Chambers for a declaration as to the presumption of the death of the assured; and in case the Judge is satisfied that a presumption of death has been established, he shall so find and his finding shall (subject to the right of appeal by the parties) be binding and conclusive upon all parties interested as establishing fully the presumption of the death of the assured; and he shall make such order as to the payment of the insurance moneys as he shall see fit, and the payment as so ordered of the said moneys by the insurer shall effectually and completely discharge the insurer from all liability to any person Obtaining declaration of presumption of death.

person or corporation whatsoever under the contract of insurance; but in case the Judge shall declare that the presumption of death has not been established he may make such further order as shall appear just. Every such application shall be made according to the rules of court and shall operate as a stay of any pending action based upon such disappearance.

Rev. Stat.
c. 203, s. 151,
subs. 4
amended.

4. Subsection 4 of section 151 of *The Ontario Insurance Act* is repealed and is re-enacted as subsection 8 of the said section.

Rev. Stat.,
c. 203, s. 151,
amended.

5. Section 151 of *The Ontario Insurance Act* is further amended by inserting after subsection 3 the following subsection, which is to be numbered as subsection 4:—

Designating
beneficiaries
by will.

(4) To remove doubts it is hereby declared that in any insurance of the person under this Act, in designating or ascertaining any beneficiary or beneficiaries, preferred or ordinary, under any contract of such insurance and in making or altering any appropriation, disposition or apportionment of the moneys payable thereunder the words "instrument in writing" include a will and for such purpose such will shall speak from the date of signing thereof.

Rev. Stat.
c. 203, s. 163
amended.

6. Section 163 of *The Ontario Insurance Act* is amended by adding thereto as subsection 7 the following:—

Holding meet-
ings of friendly
societies in
another
Province.

(7) Notwithstanding anything to the contrary contained in its declaration, certificate or articles of incorporation, or in any Act under which it was incorporated, any registered friendly society, when so authorized by its constitution and laws, may hold its meetings annually or otherwise, at any place it may from time to time select, in the Province of Ontario or in any other Province of Canada in which it has subordinate lodges or branches.

CHAPTER 37.

An Act respecting certain Railway and other Corporations.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act "Public Utility" shall mean and include any water works, gas works, electric heat, light and power works, telegraph and telephone lines, railways however operated, street railways and works for the transmission of gas, oil, water or electrical power or energy, or any similar works supplying the general public with necessities or conveniences.

2. In case the undertaking of a company or other corporation operating a Public Utility and heretofore or hereafter incorporated under a general or special Act of the Province of Ontario has been since the 19th day of February, 1907, or hereafter shall be declared by the Parliament of Canada to be a work for the general advantage of Canada, or absorbed by or amalgamated with or controlled or operated by any other company or corporation whose undertaking is or has been declared a work for the general advantage of Canada, or which is not subject to the Legislative control of Ontario, the Lieutenant-Governor in Council may by Order-in-Council declare that all or any of the powers, rights, privileges and franchises conferred upon such first mentioned company or corporation by letters patent or by any general or special Act of Ontario shall be forfeited and thereupon all such powers, rights, privileges and franchises so declared to be forfeited shall cease and determine and every municipal by-law passed and every agreement entered into with any municipal corporation authorizing such company or corporation to carry on business or granting any right, privilege or franchise thereto shall also thereupon become void and be of no effect and

such company or corporation shall forfeit all claim to any bonus or other aid granted by any municipal corporation or by the Legislature of Ontario. Provided that nothing in this section contained shall affect the validity of any debentures issued by a municipal corporation for payment of any such bonus in the hands of a *bona fide* holder for valuable consideration, nor the claim of any *bona fide* creditor of such company or corporation.

Municipal corporations not to contract with companies not under jurisdiction of Province.

Proviso.

3. Notwithstanding anything in any Act contained, a municipal corporation shall not hereafter enter into any agreement with any such company or corporation or pass any by-law in relation to any public utility which has been declared to be a work for the general advantage of Canada, or which is not within the legislative jurisdiction of Ontario, until the Lieutenant-Governor in Council has approved of such agreement or by-law, and every agreement entered into and by-law passed in violation of this section shall be utterly void and of no effect. Provided that the Lieutenant-Governor in Council by Order-in-Council may from time to time in advance of such agreements or by-laws being made approve of any class or description of such agreements or by-laws in the Order-in-Council mentioned or referred to in regard to any corporation in any such order named and thereafter and until such order is amended or rescinded such approval shall continue.

Act to apply to companies incorporated at present session.

4. This Act shall also apply to all companies incorporated during the present session of the Legislature.

CHAPTER 38.

An Act to amend The Ontario Railway and Municipal Board Act, 1906.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Ontario Railway and Municipal Board Act, 1906*, is amended by adding thereto the following subsection:—

6 Edw. VII.,
c. 31, s. 4,
amended.

(8) Whenever by any Act of the Legislature of the Province of Ontario the location of any line of railway or the route and course thereof, and the maps, plans and specifications, and any of the equipment, are subject to the approval of the Lieutenant-Governor in Council or any of his Ministers, or where in any Act it is provided that any railway company shall during construction of any line of railway furnish such information as to the location and plans of passenger or freight stations as may from time to time be required by the Lieutenant-Governor or any of his Ministers or that such company shall comply with any directions that may be given for the erection of stations or the number of the same, such power, authority or duty shall be exercised or performed by the Board instead of by the Lieutenant-Governor in Council or any of his Ministers.

Powers of
Board.

2. Section 18 of the said Act is further amended by adding the following subsection thereto:—

6 Edw. VII.,
c. 31, s. 18.

(3) The Lieutenant-Governor in Council may from time to time, upon the request of the Board, appoint counsel to appear before the Board and conduct any enquiry or hearing or to represent the Board upon the argument of any appeal to the Court of Appeal.

Appointment
of counsel.

3. Section 57 of the said Act is amended by adding the following subsection thereto:—

6 Edw. VII.,
c. 31, s. 57
amended.

(1) The Board may from time to time enquire and report as to whether or not such public utilities are operated in such a way and that rates, in respect thereof, are charged sufficient to pay the debenture debt and interest created in respect thereof, together with the cost of operation and maintenance, or whether greater rates are charged than are sufficient for such purposes.

Enquiry and
report as to
rates charged
by public
utilities.

CHAPTER 39.

An Act respecting the Land Grant to the Grand Trunk Pacific Railway Company.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

4 Edw. VII
c. 18 s. 11
repealed.

1. Section 11 of *The Act respecting Aid to Certain Railways* passed in the 4th year of His Majesty's reign Chapter 18 is repealed and the following section is substituted therefor.

Survey of out-
lines of blocks
of land.

2. The outlines of blocks of unsurveyed land to be granted to the said Grand Trunk Pacific Railway Company shall be surveyed by the Department of Lands, Forests and Mines, and the plans and field notes of such surveys shall be filed in the said Department. The surveys of the outlines of the blocks shall be in accordance with the system of survey prescribed for Crown Lands on the north shores of Lakes Huron and Superior

CHAPTER 40.

The Municipal Amendment Act, 1907

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 6 of section 71a of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "at an annual municipal election," in the 4th line thereof.

3 Edw. VII.
c. 19, s. 71a, subs.
6 amended.

2. Subsection 4, of section 128, of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "of over 100,000 inhabitants" in the proviso therein.

3 Edw. VII.
c. 19, s. 128,
subs. 4,
amended.

3. Subsection 1 of section 141 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following words "save in the case where two or more candidates for any office have the same surnames, in which case the christian name or names of such candidates or the initial thereof shall be printed in front of the surname and in the same font of type as the surname wherever the surname appears on the ballot paper."

3 Edw. VII.
c. 19, s. 141,
subs. 1,
amended.

4. Clause 1 of subsection 8 of section 189 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following words: "and in any case where the deputy returning officers or any of them have failed to comply with the provisions of section 177 of this Act or any of them, or where from any other cause it appears desirable to do so, he may upon the application of any party to the proceedings hear such evidence as he may deem necessary for the purpose of making a full and proper recount of such ballot papers."

3 Edw. VII.
c. 19, s. 189,
subs. 8,
clause 1,
amended.
Judge may
hear evidence.

5. Subsection 1 of section 220 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "time" in the eighth line thereof the words "within six weeks after the facts come to the knowledge of" and

3 Edw. VII.
c. 19, s. 220,
subs. 1,
amended.

by adding after the word "relator" in the ninth line thereof the word "he."

3 Edw. VII.
c. 19, s. 302
amended.

6. Section 302 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the following words:—

Power to
administer
oaths.

"Any auditor appointed under this Act may administer an oath or affirmation to any person concerning any account or other matter to be audited."

3 Edw. VII.
c. 19, s. 304,
subs. 3
amended.

7. Subsection 3 of section 304 of *The Consolidated Municipal Act, 1903*, is amended by striking out the word "from" in the sixth line thereof and substituting therefor the word "at."

3 Edw. VII.
c. 19, s. 386,
amended.

8. Section 386 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:

By-law to
change mode
of issuing
debentures.

(4) In the case of any by-law heretofore or hereafter passed the municipal council may by by-law authorize a change in the mode of issue of the debentures from that defined by the by-law and may direct that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* (as the case may be) and in case of the sale, pledge or hypothecation of any debentures issued under the authority of any such by-law the municipal council may upon again acquiring the same or at the request of any holder thereof cancel the same and thereupon issue one or more debentures in substitution therefor and make such new debenture or debentures payable by the same or a different mode of payment, and the assent of the electors shall not be necessary in any such case, provided always that there be no change in the amount to be paid in each year.

3 Edw. VII.,
c. 19, s. 435,
subs. 1,
amended.

9.—(1) Subsection 1 of section 435 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "corporation" in the sixth line thereof the words: "and such further sums as may be required to be paid to the treasurers of the respective Public School Boards from time to time upon the requisition of the school trustees as provided for by *The Public Schools Act*."

3 Edw. VII.
c. 19, s. 435,
subs. 2,
amended.

Limit of
borrowing
powers for cur-
rent expenses.

(2) Subsection 2 of section 435 of *The Consolidated Municipal Act, 1903*, as amended by section 15 of *The Municipal Amendment Act, 1904*, is amended by striking out the words "ninety per cent. of the estimates for the current year" where the same appear in the said section as amended and substituting therefor the words "ninety per cent. of the estimated ordinary expenditure for the preceding year, and such further sums as may be required to be paid to the treasurers of the respective Public School Boards from

from time to time upon the requisition of the school trustees as provided for by *The Public Schools Act*."

10. Section 491 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "offences" in the fourth line the words "(including offences against the by-laws of the municipality)" and by adding after the word "offenders" in the fifth line the words "and laying information before the proper tribunal and prosecuting and aiding in the prosecution of the offenders." 3 Edw. VII. c. 19, s. 491, amended.

11. Paragraph 1 of section 534 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "obtaining" in the first line the words "with the consent of the owner or for entering upon, taking and acquiring without the consent of the owner." 3 Edw. VII. c. 19, s. 534, subs. 1, amended.

12. Subsection (b) of section 541a of *The Consolidated Municipal Act, 1903*, as enacted by section 19 of *The Municipal Amendment Act, 1904*, and as amended by section 21 of *The Municipal Amendment Act, 1905*, is further amended by striking out the word "and" after the word "stores" therein, and by adding at the end thereof the following words:— 3 Edw. VII. c. 19, s. 541 a, subs. (b), amended.

"blacksmith shops, forges, dog kennels, hospitals or infirmaries for horses, dogs, or other animals." Blacksmith shops, forges etc.

13. Section 559 of *The Consolidated Municipal Act, 1903* as amended by section 20 of *The Municipal Amendment Act, 1906*, is amended by adding thereto the following paragraph: 3 Edw. VII. c. 19, s. 559, amended.

4a. For constructing or laying down pipes or conduits for enclosing wires for the transmission of electricity under such streets, alleys, lanes, parks or public squares within the municipality as shall be designated and approved of by "The Ontario Railway and Municipal Board" upon the application of the municipality, or to carry such wires across or along any such streets, alleys, lanes, parks or public squares and for erecting poles on such streets, alleys, lanes, parks or public squares for the support of such wires and for authorizing the municipality to enter into agreements with electric light or power, telegraph or telephone companies for the use of such pipes, conduits or poles, and upon payment of such rental as may be agreed upon, and for issuing debentures of the corporation for the amount sufficient to pay for the construction or laying down of such pipes or conduits or the erection of such poles and any debt incurred under such by-law shall be payable within thirty years from the date of the issue of the debentures. But no such by-law shall be finally passed until the same shall have received the assent of the electors qualified to vote upon money by-laws as provided by this Act. By-laws for laying pipes or conduits for electric wires.

3 Edw. VII.,
c. 19, s. 568,
amended.

14. Section 568 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:

Contracts with
street railway
companies for
street watering.

(3) Every Municipal Council shall have power to contract with any street railway company for watering such streets or highways within the municipality as may be agreed upon between the council and the company for any number of years, not exceeding five, and for renewing such contract from time to time for a period not exceeding five years as may be agreed upon between the council and such company.

3 Edw. VII.,
c. 19, s. 569,
subs. 5
amended.

15. Subsection 5 of section 569 of *The Consolidated Municipal Act, 1903*, as enacted by section 21 of *The Statute Law Amendment Act, 1906*, is amended by adding after the word "waterworks" in the eleventh line the words "or works for the development of a water power for generating, transmitting or distributing electrical power or energy."

3 Edw. VII.,
c. 19, s. 583,
subs. 39
amended.

16. The paragraph immediately preceding subsection 39 of section 583 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor: "By the councils of cities and towns," and the said subsection 39 is amended by adding at the end thereof the words: "The council may in any such by-law provide that any such license may be refused for any particular location when in the opinion of the council it is not desirable to grant the same."

Laundry
licenses.

3 Edw. VII.,
c. 19, s. 586,
subs. 6,
repealed.

17. Subsection 6 of section 586 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:

Smoke
prevention.

6. For compelling the owner, lessee, tenant, agent, manager or occupant of any premises or steam engine in which a fire is burned, and every person who operates, uses or causes or permits to be used any furnace or fire within the limits of the municipality, to prevent the emission to the atmosphere from such fire, of opaque or dense smoke for a period of more than six minutes in any one hour. The point at which such emission shall be determined shall be that point at which the smoke is discharged from the opening, flue, stack or chimney to the atmosphere. Nothing herein contained shall apply to any furnace or fire used in connection with the reduction, refining, or smelting of ores or minerals or the manufacture of cement, or to private dwelling houses except they be apartment houses of a greater height than three stories and basement.

And no prosecution shall be commenced under any by-law passed in pursuance of this subsection until at least ninety days' notice in writing has been given by the municipality to the person to be proceeded against of the existence of the by-law and the infringement complained of.

18. The paragraph numbered 7 in section 591 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "association" in the first line the words "or any association or corporation having for its object or one of its objects the promotion of military art, military science and military literature."^{3 Edw. VII. c. 19, s. 591, par. 7 amended.}

19. Section 596 of *The Consolidated Municipal Act, 1903*, as amended by section 33 of *The Municipal Amendment Act, 1906*, is further amended by adding thereto the following words: "and the council of any municipality may by resolution for and on behalf of the municipality subscribe for and accept membership in any union or proposed union of Ontario municipalities designed for the object or purpose of furthering the interests of municipalities and may pay the fees for such membership and make any contributions for the expenses thereof and may pay the expenses of delegates sent to any meeting of such union or upon the business thereof."^{3 Edw. VII. c. 19, s. 596, amended.}
Membership in union of Municipalities.

20. Subsection 1 of section 617 of *The Consolidated Municipal Act, 1903*, is amended by striking out all the words thereof after the word "respectively" in the 9th and 10th lines.^{3 Edw. VII. c. 19, s. 617, subs. 1, amended.}

21. Subsection 1 of section 617a of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "township" in the first line the words "or of any town having an equalized assessment of less than \$1,000,000," and by adding the words "or town" after the word "township" in the fifth and seventh lines thereof.^{3 Edw. VII. c. 19, s. 617a, subs. 1, amended.}

22. Subsections 2, 3, 4, 5 and 6 of section 617a of *The Consolidated Municipal Act, 1903*, are amended by adding after the word "township" where the same occurs in such subsections the words "or town"^{3 Edw. VII. c. 19, s. 617a, subs. 2, 3, 4, 5 and 6, amended.}

23. Subsection 7 of section 617a of *The Consolidated Municipal Act, 1903*, as enacted by section 32 of *The Municipal Amendment Act, 1905*, is amended by adding thereto the words "and in case the order of the Judge of the County Court is varied or set aside, the judgment of the Divisional Court shall be registered in, like manner as in the case of the order of the County Court Judge."^{3 Edw. VII. c. 19, s. 617a, subs. 7, amended.}
Judgment of Divisional Court in certain cases to be registered.

24. Section 618 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:—^{3 Edw. VII. c. 19, s. 618, repealed.}

618.—(1) Whenever there is a dispute between a county council and the council of any local municipality (other than a city or separated town) within the county, as to whether the duty or liability to build and maintain a bridge in whole or in part belongs to or rests upon such county council or the council of such local municipality,^{Settlement of disputes between county councils and local municipalities with respect to bridges}

or

or as to the proportions in which they should respectively contribute to the building or maintenance of such bridge, the council of such county or of such local municipality may by resolution set forth the grounds of complaint or the question in dispute and may by such resolution declare that application should be made to the Judge of the County Court of the county for an order determining the matter in dispute.

Resolution to be served.

(2) After the passing of such resolution the clerk of the county or such local municipality shall forthwith serve a copy thereof, certified to be a true copy under his hand and the corporate seal of the county or local municipality, upon the clerk of the county or of the local municipality concerned in the matter in dispute as the case may be.

Procedure after resolution served.

(3) After the service of such resolution application may be made by or on behalf of the corporation, the council of which has passed the same to the Judge of the County Court of the county for an appointment in writing for the hearing of an application to determine the matter in dispute. A copy of the appointment shall be served upon the clerk of the other municipality interested, at least thirty days prior to the date fixed by the Judge for hearing such application.

Hearing of application.

(4) At the time and place named in such appointment the Judge of the County Court shall hear the application, and the municipal corporations interested may be represented by counsel thereon and the Judge shall if he sees fit or either of the parties desire, hear evidence on oath upon the matter in dispute.

Duty of Judge at hearing.

(5) The Judge shall determine which municipal corporation shall build or maintain the bridge or the proportions for which each municipality shall contribute to the cost of the building and maintenance of the same, and the order of the Judge shall be registered in the registry office for the registry division in which the bridge in dispute is situate, and from and after the date of such registration and subject to the determination of any appeal from the Judge's order, the bridge shall be built and maintained and kept in repair by the corporation made liable therefor, or by the corporations in the proportions fixed by the order of the Judge, and the order of the Judge shall be enforced in like manner as an order of mandamus.

Order of Judge to be registered.

Appeal to Divisional Court.

(6) There shall be an appeal from the order or decision of the Judge to the Divisional Court of the High Court of Justice and the proceedings incident thereto shall be the same, as nearly as may be, as in the case of an appeal from a Judge of the High Court sitting in court, and in case the order of the Judge of the County Court is varied or set aside

aside, the judgment of the Divisional Court shall be registered in like manner as in the case of the order of the County Court Judge.

25. *The Consolidated Municipal Act, 1903*, is amended ^{3 Edw. VII., c. 19 amended.} by adding thereto the following section:—

618a. Whenever there is a dispute between a county council and the council of any city or town separated from the county, or between a county council and the council of any other county or union of counties, as to whether the duty or liability to build and maintain a bridge in whole or in part rests upon such county council or the council of such other municipality or as to the proportion in which they should respectively contribute to the building or maintenance thereof, and in case the municipalities interested shall fail to agree it shall be the duty of each to appoint arbitrators as provided by this Act, to determine the matters in dispute and the award made by such arbitrators shall be final and conclusive.

Settlement of disputes between county councils and between county councils and separated cities and towns, affecting bridges.

26. Section 654 of *The Consolidated Municipal Act, 1903*, ^{3 Edw. VII. c. 19, s. 654 repealed.} as amended by section 35 of *The Municipal Amendment Act, 1906*, is hereby repealed and the following substituted therefor:—

654. If the several townships interested in a county boundary line road do not agree as to the necessity for a deviation of the road from the boundary line, or as to the location of the deviation, or as to the adoption of an existing road for the deviation or as to the apportionment of the cost of opening and maintaining such deviation, any township interested may apply to "The Ontario Railway and Municipal Board" to determine the matter in dispute, and the Board or any member thereof after notice to the several townships interested, and after hearing such of the representatives of such townships as may appear before them, may make such order as may be deemed just and such order shall be final and shall not be subject to appeal.

Settlement of disputes as to county boundary lines

27. *The Consolidated Municipal Act, 1903*, is amended ^{3 Edw. VII., c. 19, amended.} by adding the following as section 654a:—

654a. If the several townships interested in a county boundary line road do not agree as to the apportionment of the cost or the work to be done in opening or maintaining the road the council of any township interested may apply to the wardens of the bordering counties to determine jointly the proportion of the cost or work to be paid or done by each of the townships interested, and the mode of expenditure, and the wardens, together with the Judge of some other county to be agreed upon by the wardens, or in case of disagreement to be named by the Chairman of "The Ontario

Settlement of disputes as to county boundary roads.

Ontario Railway and Municipal Board," shall hear and determine the matter in dispute and their decision shall be final and shall not be subject to appeal.

3 Edw. VII.
c. 19, s. 685
amended.

28. Section 655 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "a county judge" in the last line but one of the said section and by adding thereto the following subsections:—

Meeting of
wardens and
judge.

(2) The wardens shall meet at the time and place so named and may agree upon the Judge of some other county to act as the third arbitrator, but in case the wardens fail to agree upon a County Judge at the said meeting it shall be their duty forthwith to notify the Chairman of "The Ontario Railway and Municipal Board" and the Chairman shall thereupon make an order appointing a Judge of some other county to act as third arbitrator and shall notify each of the wardens of his appointment.

Who to con-
vene meeting.

(3) The warden of the county in which the township making the application is situate shall within eight days after a County Judge has been agreed upon by the wardens or notice of his appointment has been received from the Chairman of "The Ontario Railway and Municipal Board" convene a meeting of the wardens and such County Judge.

3 Edw. VII. c.
19, s. 656
amended.

29. Section 656 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words inserted therein by section 29 of *The Municipal Amendment Act, 1904*, and by section 34 of *The Municipal Amendment Act, 1906*, respectively.

3 Edw. VII.
c. 19, s. 667,
amended.

30. Section 667 of *The Consolidated Municipal Act, 1903*, as amended by section 33 of *The Municipal Amendment Act, 1905*, is further amended by adding after the word "improvement" in the sixth line the words "the whole or any part of."

3 Edw. VII., c.
9, s. 672, subs.
4, amended.

31. Subsection 4 of section 672 of *The Consolidated Municipal Act, 1903*, is amended by adding the following clause thereto:—

Permanent
sidewalks and
pavement.

(d) Or unless the work or improvement has been constructed under section 677 hereof.

3 Edw. VII.
c. 19, s. 673,
amended.

32. Section 673 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following, as subsection 2b:—

Rates for
construction of
sewers.

(2b) To remove doubts it is hereby declared that it is and always has been lawful for the council of any city, town or village by an affirmative vote of three-fourths of all the members of the council to enact by by-law in the case

case of the construction of a sewer other than a sewer having a sectional area of more than four feet that a certain sum per foot frontage (fixed by the council) shall be borne and paid by the property fronting or abutting on the street or streets on which such sewer is constructed and by the owners thereof and that the remainder of the cost of construction opposite such property as well as the total cost of construction opposite exempt property and at street intersections shall be paid by the municipality at large. The provisions of this Act, relating to local improvements, shall in all other respects extend and apply to any such sewer and the construction thereof and to the issue of debentures to pay therefor and all proceedings for any of these purposes or connected therewith shall be the same as provided in the said Act for local improvements in other cases.

33. *The Consolidated Municipal Act, 1903*, is amended ^{3 Edw. VII. c 19, amended.} by adding thereto the following section:—

675b. In case the engineer of a city, which has adopted the local improvement system with respect to the opening, widening or extension of streets in accordance with section 682 of this Act, reports, and the council of such city, by resolution or the adoption of the report passed on a two-thirds vote of all the members thereof, affirms that it is necessary and in the interests of the city at large that a public street should be opened, widened or extended and that it would be inequitable to assess the whole cost of such opening, widening or extension upon the property in the immediate neighbourhood thereof, the corporation of such city, notwithstanding that a sufficiently signed petition against the same has been presented, may carry out such work, but the corporation shall in such case pay out of the general funds of the municipality at least twenty-five per cent. of the total cost of the work after deducting the usual and legal allowances assumed by the municipality in local improvement works, and the remainder of the cost shall be assessed and levied upon the real property benefited by such work to be ascertained in the manner provided by this Act and the provisions of this Act in respect to local improvement works shall (except as varied by this section) apply to such street opening, widening or extension. The share or proportion of the cost of such work which should be assumed by the municipality shall be subject to an appeal to the Court of Revision and the County Judge, and may be increased upon such appeal.

Street extensions.

Appeal to court of revision and county judge.

34. *The Consolidated Municipal Act, 1903*, is amended ^{3 Edw. VII. c 19, amended.} by adding thereto the following section as 677b thereof:

677b. To remove doubts it is hereby declared that the intent and meaning of section 677 of this Act is and always has been that the provisions of sections 670 and 672 of

Work constructed under section 677.

of this Act apply to the works and the cost thereof of the nature described in the said section 677 and constructed under the provisions thereof and that the provisions of this Act relating to borrowing money and issuing debentures to pay the cost of local improvements apply to works constructed under the provisions of said section 677."

3 Edw. VII.
c. 19, s. 687
subs. 4,
repealed.

35. Subsection 4 of section 687 of *The Consolidated Municipal Act, 1903*, is repealed, and the following substituted therefor:—

Trustees for
managing fire
engines and
appliances.

(4) In any case where a fire engine and appliances for the purpose of fire protection have been or are about to be purchased the council of the township may pass a by-law directing that on a day to be named in the by-law a board of three trustees with the powers and for the purposes hereinafter mentioned shall be elected in the manner and for the terms directed in the said by-law, and may in such by-law provide for filling any vacancy or vacancies in such board of trustees as may therein be directed. The said by-law may likewise provide for the election of an auditor, and may authorize such board of trustees to appoint an auditor in addition to the auditor so elected and may prescribe the duties of such auditors.

3 Edw. VII.,
c. 19, s. 700
amended.

36. Section 700 of *The Consolidated Municipal Act, 1903*, as amended by section 34 of *The Municipal Amendment Act, 1904*, is amended by adding after the word "smelting" in the second line thereof the words "or refining."

3 Edw. VII.,
c. 19, s. 740,
amended.

37. Section 740 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the following words—"and in case the trustees and the council fail to agree as to such proportion the same shall be determined by the judge of the county as sole arbitrator on application made to him for that purpose by the trustees or the council."

3 Edw. VII.,
c. 19, s. 746
subs. 1 amend-
ed.

38.—(1) Subsection 1 of section 746 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "public" in the sixth line the words "highway or for a public," and by adding after the word "such" in the ninth line the word "highway."

3 Edw. VII.,
c. 19, s. 746,
subs. 2
amended.

(2) Subsection 2 of section 746 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "such", in the third line thereof the words "public highway."

3 Edw. VII.,
s. 746, subs.
3 amended.

(3) Subsection 3 of section 746 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "public" in the second and sixth lines thereof the word "highway."

CHAPTER 41.

The Assessment Amendment Act, 1907.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Assessment Act* is amended by adding thereto the following section:

10a. Subject to subsection 9 of section 14 of this Act, whenever any structures, pipes, poles, wires or other property otherwise assessable under this Act are erected or placed upon, in, over, under or affixed to the roadway forming the boundary line between two local municipalities or so that such structures are in some places on one side of the centre of such boundary line and in some places on the other or are so erected or placed on a road which is a boundary line, although the same may deviate so as in some places to be wholly or partly in either of them, the person, corporation or company liable to assessment therefor shall be assessed therefor by the municipality in or nearer to which the greater portion of the said property is liable to assessment is situate and the municipality so assessing the same shall pay over to the municipality jointly interested in such boundary line one-half the taxes collected on such assessment.

⁴ Edw. VII.
c. 23, amended.

Assessment of
pipes, poles,
wires, etc., on
boundary lines.

2. Subsections 1 and 2 of section 12 of *The Assessment Act* are amended by adding at the beginning of each the words "Subject to the provisions of subsection 3 of section 36 of this Act."

⁴ Edw. VII.
c. 23, s. 12,
subs. 1, 2,
amended.

3. Subsection 1 of section 36 of *The Assessment Act* is amended by striking out the words "other than oil lands" added therein by section 10 of *The Assessment Amendment Act, 1906*.

⁴ Edw. VII.
c. 23, s. 36, subs.
1, amended.

4. Subsection 3 of section 36 of *The Assessment Act* is amended by striking out the words "other than oil lands" and the words "other than those on oil lands" inserted therein

⁴ Edw. VII.
c. 23, s. 36, subs.
3, amended.

Assessment of
mineral lands
for income.

therein by section 11 of *The Assessment Amendment Act, 1906*, and by adding at the end thereof the following words: "and the assessment on such income shall be made by and the tax leviable thereon shall be paid to the municipality in which such mine or mineral work is situate. Provided, however, that the assessment for income from each oil or gas well operated at any time during the year shall be at least twenty dollars."

4 Edw. VII.
c. 23, s. 36,
amended.

5. Section 36 of *The Assessment Act* is amended by adding thereto the following subsection:

Assessment of
oil rights.

(4) Where in any deed or conveyance of lands heretofore or hereafter made the petroleum mineral rights in such lands have been or shall be reserved to the grantor such mineral rights shall be assessed at their actual value.

4 Edw. VII.
c. 23, s. 40,
subs. 1,
amended.

6. Subsection 1 of section 40 of *The Assessment Act* is amended by striking out the word "two" in the seventh line of the said subsection and substituting therefor the word "fifty."

4 Edw. VII.
c. 23, s. 57,
subs. 2,
amended.

7. Subsection 2 of section 57 of *The Assessment Act* is repealed and the following substituted therefor:—

Payment of
members of
City Court of
Revision.

2. Each member of the Court of Revision for a city shall be paid such sum for his services as the council may by by-law or resolution provide.

4 Edw. VII.
c. 23, s. 99, subs.
2, amended.

8. Subsection 2 of section 99 of *The Assessment Act* is amended by adding after the word "towns" in the first line the word "townships."

CHAPTER 42.

An Act to amend The Municipal Drainage Act.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Municipal Drainage Act* is amended by inserting therein the following as section 78a—

Rev. Stat.,
c. 225,
amended.

78a. The council of any municipality may by By-law direct that the Inspector appointed under section 78 shall from time to time remove from any drainage work all weeds and brushwood, fallen timber or other minor obstructions for which the owner of the lands adjacent to the drainage work may not be responsible and the cost of such work shall be chargeable from time to time against the lands assessed for the maintenance of the drainage work and in the proportion fixed by the By-law authorizing the drainage work, but it shall not be necessary to assess and levy the amount so charged more than once in every five years after the passing of such first mentioned By-law, unless in the meantime the total expense incurred shall exceed the sum of \$100.

Minor repairs.

2. Subsection 1 of section 21 of *The Municipal Drainage Act* is amended by striking out the words "High Court of Justice" in the twelfth line thereof and substituting therefor the words "Drainage Referee."

Rev. Stat. c.
226, s. 21, subs.
1, amended.

3. Subsection 8 of section 9 of *The Municipal Drainage Act* as enacted by section 6 of Chapter 28 of the Acts passed at the second session held in the 62nd year of the reign of Her late Majesty Queen Victoria, is amended by striking out all the words thereof after the word "petition" in the second line thereof and substituting therefor the words "or within such further time as the council may in their discretion from time to time appoint, and the council may adopt the report of the engineer if they see fit notwithstanding that such report is made after the six

Rev Stat. c. 226,
s. 9 sub. 8
amended.

Extending
time for mak-
ing engineer's
report.

months herein fixed for making the same or after any extended period fixed by the council under this subsection."

Rev. Stat.,
c. 226, amend-
ed.

4. *The Municipal Drainage Act* is amended by adding thereto the following section:

By-law not to
be invalid by
reason of en-
gineer's report
not being filed
within six
months.

9a. To remove doubts it is hereby declared that where any by-law has been passed by the council of any municipality for the construction of any drainage work under this Act, upon a report of the engineer which has been adopted by the council, and where the time for moving to quash such by-law has expired under this Act, and no application to quash the same has been made, such by-law shall not be quashed or declared void or illegal in any proceedings taken respecting the same by reason only that the report of the engineer has not been filed within six months after the filing of the petition provided for in this Act, or within the extended period provided for in subsection 8 of this section.

But this section shall not apply to or affect any pending litigation respecting any such by-law.

Rev. Stat.,
c. 226, s. 63,
subs. 1,
amended.

5. Subsection 1 of section 63 of *The Municipal Drainage Act* is amended by striking out the words "thirty days" in the second line and inserting in lieu thereof the words "six weeks."

CHAPTER 43.

An Act to amend The Public Parks Act.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 17 of *The Public Parks Act* is amended by inserting therein after the words “park purposes” in the 5th line the following words:—

Rev. Stat.,
c. 233, s. 17,
subs. 4,
amended.

“And for making permanent improvements upon any lands theretofore acquired by the Board for park purposes.”

CHAPTER 44.

An Act to amend the Municipal Light and Heat Act.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.
234, amended.

1. *The Municipal Light and Heat Act* is amended by adding the following as section 3a:

Power to
expropriate
lands for
works.

3a. The corporation shall have power to acquire by purchase, or without the consent of the owners thereof or persons interested therein, to enter upon, take and use any lands in the municipality which may be required by the said corporation for its works and plant, or any extensions thereof, paying for the said lands such sum as may be agreed upon, or, in default of agreement, as may be determined by arbitration in accordance with the provisions of *The Consolidated Municipal Act, 1903*, and amendments thereto.

3 Edw. VII.
c. 19.

CHAPTER 45.

An Act to amend The Municipal Waterworks Act.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Clause (b) of subsection 1 of section 41 of *The Municipal Waterworks Act* as enacted by section 2 of the Act passed in the sixth year of His Majesty's reign, chaptered 40, is amended by inserting after the word "election" in the first line of the said clause the words "held under this section";

Rev. Stat.
c. 235, s. 41,
subs. 1, cl. (b),
amended.

(2) Clause (c) of the said subsection is amended by adding after the word "election" in the first line the words "held under this section";

Rev. Stat.
c. 235, s. 41,
subs. 1, cl. (c),
amended.

(3) Clause (d) of the said subsection is amended by inserting after the word "election" in the second and seventh lines the words "held under this section"; and by adding after the word "equal" in the third line of the said clause the words "or in case both members are elected by acclamation"; and by adding after the word "votes" in the eighth line the words "or in case such four members are elected by acclamation."

Rev. Stat.
c. 235, s. 41,
subs. 1, cl. (d),
amended.

2. The said subsection 1 of section 41 is further amended by adding thereto the following clauses:

Rev. Stat.
c. 235, s. 41,
amended.

- (e) In case at any election held under this Act the candidates or any of them who are nominated retire and by reason of such retirement the requisite number of persons to be elected is not in nomination, any candidate or candidates nominated and not retiring shall be declared elected by acclamation, and the council of the municipality shall order an election to be held in the manner

Vacancies
caused by
retirement of
candidates.

3 Edw. VII.
c. 19.

manner provided by *The Consolidated Municipal Act, 1903*, to fill the vacancies so caused.

Term of office,
order of
retirement.

- (f) Where the election is for two members at the first election under this Act, and one member is elected by acclamation under the preceding subsection, then such member so elected by acclamation shall hold office for two years, and the other member subsequently elected for one year, and in case the election is for four members and two are elected by acclamation, the two so elected shall hold office for two years and the two subsequently elected for one year. In case three are elected by acclamation at such first election, the two having the largest assessment on the last revised assessment roll shall hold office for two years and the third one so elected by acclamation and the one subsequently elected shall hold office for one year. And where only one is elected by acclamation the one so elected by acclamation shall be one of those to hold office for two years, and in case of a contest at a subsequent election, the one having the highest number of votes or in case of an equality of votes, having the highest assessment on the last revised assessment, or in the case of an election by acclamation, then the one having the highest assessment on the last revised assessment roll shall be the other to hold office for two years, and the other two subsequently elected shall hold office for one year.

Rev. Stat.
c. 235, s. 41,
subs. 1, clause c,
amended.

3. Clause (e) of subsection 1 of section 41 of the said Act is amended by numbering the same (g) instead of (e).

Act to be
retroactive.

4. The said subsection 1 of section 41 of *The Municipal Waterworks Act* shall be read and construed as if it had been originally enacted as amended by this Act.

CHAPTER 46.

An Act to amend The Liquor License Laws.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by inserting before the word "license" in the second, fourth and fourteenth lines of the said subsection the words "tavern or shop." 6 Edw. VII., c. 47, s. 3, subs. 2, amended.

2. Section 28 of the said Act passed in the 6th year of His Majesty's reign is amended by adding at the end of subsection 4 of said section the following words: "Nor shall any such license be granted to any society, association or club formed or incorporated under *The Act respecting Benevolent Provident and other Societies*." 6 Edw. VII., c. 47, s. 3, subs. 4. Rev. Stat., c. 211.

3. Section 33 of the said Act passed in the 6th year of His Majesty's reign is amended by adding thereto the following subsection: 6 Edw. VII., c. 47, s. 33, amended.

(9) In all cases of conviction under any of the subsections of this section in which a money penalty is imposed, the defendant in default of payment of such penalty shall be liable to imprisonment for a period not exceeding one month. Imprisonment in default of payment of fine.

4. Subsection 1 of section 53 of *The Liquor License Act* is amended by striking out the first twenty-one words of said subsection. Rev. Stat., c. 245, s. 53, subs. 1, amended.

5. Subsection 3 of section 112 of *The Liquor License Act* is amended by adding thereto the following words: "And Rev. Stat., c. 245, s. 112, subs. 3, amended.

"And in the event of the premises being an unlicensed tavern, the owner or lessee hereinbefore mentioned who sublets to or permits to be occupied by any other person any part of the premises in which liquor is sold or kept for sale shall be conclusively held to be an occupant within the meaning of this section and may be prosecuted jointly with or separately from the actual offender, but both of them shall not be convicted of the same offence and the conviction of one of them shall be a bar to the conviction of the other of them for the same offence. .

Rev. Stat.,
c. 245, s. 130,
subs. 2,
amended.

6. Subsection 2 of section 130 of *The Liquor License Act* is amended by adding thereto the following words:

"And the provisions of subsection 2 of section 112 of this Act shall apply to offences under this subsection."

General
provisions as
to number of
licenses to
prevail.

7. Nothing contained in any special Act shall be construed to authorize the issue of any greater number of tavern licenses in any municipality than is permitted by section 18 of *The Liquor License Act*.

Rev. Stat.,
c. 245, s. 78,
subs. 1,
repealed.

8. Subsection 1 of section 78 of *The Liquor License Act* is repealed and the following substituted therefor:—

Penalty for
supplying
liquor to
minors.

78.—(1) Any person who gives, sells or otherwise supplies liquor to any person apparently or to the knowledge of the person giving, selling or otherwise supplying the same under the age of twenty-one years shall incur a penalty of not less than \$10 and not exceeding \$50, besides costs, or imprisonment for a period not exceeding three months, but nothing in this section contained shall apply to the supplying of liquor to a person under the age of twenty-one years by the parent, guardian or physician of such person.

6 Edw. VII.,
c. 47, s. 28,
subs. 4,
amended.

Licenses to
clubs.

9. Subsection 4 of section 28 of the said Act passed in the 6th year of His Majesty's reign is amended by adding at the end thereof the words following: "and no license under this section shall be granted to any society, association or club not incorporated under the laws of the Province of Ontario until the consent in writing of the Minister to the granting of such license has been filed with the Board."

Rev. Stat.,
c. 245, s. 11,
subs. 14,
amended.

10. Clauses (a), (b) and (c) of subsection 14 of section 11 of *The Liquor License Act* are repealed and the following substituted therefor:

Clerk of
municipality
to certify in
case of disputes.

(a) In case of any dispute as to whether the number of electors who have signed the certificate or petition hereinbefore mentioned compose a majority

majority of the duly qualified electors of the subdivision, or include one-third of the resident electors, or, in case of a dispute as to whether any one or more persons who have signed the certificate or petition are duly qualified voters, or are residents of the subdivision, the clerk of the municipality in which the subdivision is situate, shall take evidence upon oath, or otherwise, and determine the question in dispute, and he shall in such case, report to the Board in writing, signed by him, the number of duly qualified electors and of resident electors respectively for the subdivision and the number of duly qualified electors who have signed the certificate or petition as the case may be, and the number of such last mentioned electors who are resident as aforesaid, and in case he has disallowed any of the names upon such certificate he shall in such report give such names and state his reasons for such disallowance and unless appealed against as hereinafter mentioned, his report shall be final and conclusive. For such report the said clerk shall be entitled to a fee of \$5, payable out of the License Fund.

- (b) The clerk shall give written notice of the time and place at which he will determine the said question to the applicant for the license, and to the person applying for such certificate, and to at least one of the persons signing any petition against the license, and the procedure to be adopted by the clerk in giving the said notice and determining the said question shall be in accordance with any general regulations made in that behalf by the Lieutenant-Governor in Council. Notice of enquiry to be given by clerk
- (c) From every such decision and report of the clerk an appeal shall lie to the judge of the County Court of the county in which the premises sought to be licensed are situate under and subject to such regulations as may be made by the Lieutenant-Governor in Council in that behalf. Appeal to county judge.
- (d) In localities not under municipal organization, the said certificate shall be signed by at least eleven out of the twenty householders residing nearest to the premises in which the applicant proposes to carry on the business for which the license is required. As to unorganised districts.
- (e) Such certificate shall be according to the form given in Schedule "A" hereto, or to the like effect

Forms and
requisites of
certificate. ;

effect, in respect of the fitness of the applicant to have such license, and the premises in which it is proposed to carry on the business, and the desirability, on the ground of public convenience of having a license granted therefor.

Rev. Stat.,
c. 245, s. 141,
subs. 3,
amended.

11. Subsection 3 of section 141 of *The Liquor License Act* enacted by section 24 of the Act passed in the sixth year of His Majesty's reign, Chaptered 47, is amended by striking out the words "is presented to the council" in the 4th and 5th lines of the said subsection and inserting in lieu thereof the words "is filed with the clerk of the municipality."

CHAPTER 47.

An Act to prevent the Wasting of Natural Gas and
to provide for the Plugging of all Abandoned
Wells.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

1. Any person in possession, whether as owner, lessee, Natural gas not to be allowed to escape from unused wells.
agent or manager of any well in which natural gas has
been found, shall, unless such gas is utilized within two
weeks from the completion of such well, in order to prevent
such gas from wasting by escape, confine the same in such
well until such time as said gas is utilized; but this section
shall not apply to any well while it is being operated as
an oil well.

2. Whenever the owner or any person in possession of Inspector to notify owners, etc., to confine gas, and upon default shall himself confine same.
or having the control of any well in which gas has been
found, fails to comply with the provisions of section 1
hereof within the time therein mentioned, the inspector
appointed, as hereinafter provided, shall notify such person
in writing to cause such gas to be so confined, and in case
of the failure of such person to comply with such notice
within ten days from the receipt thereof the inspector shall
enter upon the lands upon which such well is situate and
either by himself, his agents or employees shall cause such
gas to be shut in and confined in such well.

3. Whenever any well which has been drilled for the Plugging abandoned wells.
purpose of exploring for oil or gas is afterwards abandoned
it shall be the duty of the owner or the person in posses-
sion or control of such well, and of every person engaged
or employed in removing the casing from or in plugging
such well, or in any work constituting an abandonment of
such well, to plug or plug and cement said well in such
manner as to prevent any fresh or salt water or other in-
jurious substances from entering the oil or gas bearing rock
either from above or below such rock.

Plug to be
inserted
in well.

4. In every such case of abandonment, in addition to any other work necessary to the proper plugging of such well in compliance with the provisions of the next preceding section or of any regulations made by an inspector in the manner hereinafter provided, there shall be inserted in such well a round and slightly tapering plug of seasoned wood, not less than three feet in length and of such diameter as to enable it to be firmly driven and to fit tightly at the point where the casing, used for the purpose of shutting off water from such well, was made to rest.

Inspector upon
complaint to
examine
abandoned well
and plug same.

5. Whenever any person notifies the inspector in writing that any property in which he is interested, situate in the vicinity of any such abandoned well, is injuriously affected by the failure to plug any such well as in the next preceding section provided, the inspector shall examine such abandoned well and ascertain whether it has been properly plugged according to the provisions of this Act, and in case the inspector determines that such well has not been properly plugged within the meaning of this Act he shall serve a notice on the owner thereof or upon any person having the control thereof, or upon any person who was engaged or employed in the work of removing the casing from, or in plugging such well, or in any work which constituted an abandonment of such well, or may serve such notice on all of said persons, which notice shall require such well to be plugged within ten days from the receipt of such notice, and shall specify the method and manner to be followed in the plugging thereof, and unless within said ten days such well is plugged according to the directions contained in said notice, the inspector either by himself, his agents or employees shall plug or cause such well to be plugged properly, according to the provisions of this Act.

How expenses
to be recovered
by Inspector.

6. The expenses incidental or occasioned by the examination and plugging of any abandoned well or by the confining or shutting in of the gas from any well by the inspector under the provisions of this Act shall be paid to the inspector within ten days after notice is writing of the completion of the work and the amount of such expenses shall have been given to the owner or other person having control of any such well, and upon failure to pay the same within such time the inspector shall give written notice of such failure to pay to the clerk of the municipality in which such well is situate and of the amount payable, and the council of such municipality shall thereupon pay to the inspector such expenses and the same shall be added to the taxes upon any property of the owner of such well, whether such well is situate upon such property or not, unless the mineral rights in the land upon which such well is situate have been severed or reserved from such land in which

which case the said expenses shall be added to any taxes chargeable against the reserved mineral rights in the land upon which such well is situate or against any other property of the owner of such reserved mineral rights, and such expenses shall be placed upon the collector's roll of the municipality and may be levied and collected in the same manner as other taxes are levied and collected.

7. Any person found guilty of a violation of sections 1, 3, 4 or 11 of this Act shall, upon summary conviction, incur a penalty of not less than \$10, and not more than \$100, in addition to any costs and expenses which he may be liable to pay under the provisions of section 6 of this Act; but this section shall not affect any right of action for damages for injuries arising out of any matter or thing for which this section provides a penalty.

Penalty for violation of this Act.

8. An inspector or inspectors may be appointed by the Lieutenant-Governor from time to time to enforce the provisions of this Act, and assigned to such district or districts as he may deem proper. Each inspector shall give such security as the Minister of Lands, Forests and Mines shall require for the performance of his duties and the payment over of all moneys received by him.

Inspectors to be appointed.

9. It shall be the duty of every such inspector to see that the provisions of this Act are complied with, to keep a record of all work done, notices given, proceedings taken and moneys received or paid out by him under the provisions of this Act. He shall have authority to engage such agents or employees as he may deem necessary from time to time to carry out the requirements of this Act, and shall also be empowered from time to time and at all times by himself, his servants or employees to enter upon any lands or property upon which any wells are being or have been drilled, and to make such examinations, inspection and inquiries as may be necessary for carrying into effect the provisions of this Act; and no action or other proceeding shall lie against any such inspector, his agents or employees for any matter or thing done by him or them under the provisions of this Act.

Duties of Inspectors.

10. Whenever the conditions of any locality make it desirable in the opinion of the inspector, he may, subject to the sanction of the Minister of Lands, Forests and Mines, make special regulations respecting the manner of plugging abandoned wells in such locality in addition to or in substitution for the method directed to be followed in this Act. Such regulations may be made to apply to the whole or any portion of the district to which such inspector is assigned, and may be promulgated in such manner as the

Inspectors may make regulations with consent of Minister.

said

said Minister shall direct, but shall not go into effect until after the lapse of six weeks from the first publication thereof.

Declaration to
be made by
certain persons
respecting such
wells.

11. The inspector may by notice in writing delivered to any person who had charge or control of the removal of casing or plugging or abandonment of any well, or who was engaged or employed in removing the casing from or in plugging any such well or in any work constituting an abandonment of such well, require such person within ten days from the receipt of such notice to furnish a statutory declaration respecting such abandoned well to said inspector; and such person shall within said ten days furnish said declaration to the inspector either by delivering the same into his hands or by mailing by registered post to his address; and such declaration shall identify such well and shall set out in detail the precise manner of and the material and tools used in plugging same; and any person violating the provisions of this section without sufficient cause or excuse shall incur the penalty provided by section 7 of this Act.

Rev. Stat. c. 276,
277 repealed.

12. Chapters 276 and 277 of the Revised Statutes of Ontario, 1897, and amending Acts are hereby repealed.

CHAPTER 48.

An Act to amend The Ditches and Watercourses Act.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Subsection 1 of section 22 of *The Ditches and Watercourses Act* is amended by striking out the words “from the filing thereof” in the third line and inserting in lieu thereof the words “from the date of the mailing or service of the last of the notices of the filing of the award as provided in section 18.”

Rev. Stat. c. 285
s 22, subs. 1
amended.
Time for
appeal from
award.

CHAPTER 49.

An Act respecting the Game, Fur-bearing Animals
and Fisheries of Ontario.*Assented to 20th April, 1907.*

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- PART I. Interpretation and General Provisions.
 PART II. Game.
 PART III. Fish.
 PART IV. Possession—Sale—Transportation.
 PART V. Licenses.
 PART VI. Administration.
 PART VII. Procedure—Evidence—Penalties.
-

An Act respecting the Game, Fur-bearing Animals
and Fisheries of Ontario.

HIS MAJESTY, by and with the advice and consent
 of the Legislative Assembly of the Province of On-
 tario, enacts as follows:—

PART I.

INTERPRETATION AND GENERAL PROVISIONS.

Short title.

1. This Act may be cited as *The Ontario Game and Fisheries Act*. 63 V. c. 49, s. 1; 63 V. c. 50, s. 1.

Application
of Act.

2. This Act and all regulations made thereunder shall
 apply to all game, hunting, shooting, fish, fisheries, fish-
 ing, and all rights and matters relating thereto, in respect
 of

of which the Legislature of Ontario has authority to legislate, but shall not authorize or be deemed to authorize any interference with the navigation of any navigable waters. 63 V. c. 50, s. 2. (*Amended.*)

3. When the following expressions occur in this Act, ^{Interpretation.} and in any regulations made thereunder, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears:—

(1) "Angling" shall mean the taking of fish with hook ^{Angling.} and line held in the hand, or with hook and line and rod, the latter held in the hand, and shall not include set lines.

(2) "Bass" shall mean and include the species ordinarily ^{"Bass."} known and described as "large-mouthed bass" and "small-mouthed bass."

(3) "Close season" shall mean the period in which any ^{"Close Season."} species of game or fish is protected, and "open season" ^{"Open Season."} shall mean the period in which any species of game or fish is permitted to be hunted, taken, killed, sold or possessed, by this Act or any regulation made thereunder, or by the laws and regulations of the Dominion of Canada.

(4) "Fishery" shall mean and include the stretch of ^{"Fishery."} water, locality, premises, place or station described in any regulation, lease or license, and in or from which fish are to be taken, and also all nets, plant and appliances used in connection therewith.

(5) "Game" shall mean and include all or any animals ^{"Game."} and birds protected by this Act or by any regulation made thereunder, and the head, skin, or any part of such animals and birds.

(6) "Lease" shall mean an instrument issued under the ^{"Lease."} authority of this Act and of regulations made thereunder, conferring upon the lessee therein named, for purposes of fishing, the rights therein mentioned, subject to the conditions, restrictions and limitations therein and in the said Act and regulations contained.

(7) "License" shall mean an instrument issued under ^{"License."} the authority of this Act and of regulations made thereunder, conferring upon the licensee therein named the right, permission, and license to do such things, subject to such conditions, restrictions and limitations as are therein and in this Act and any regulations contained, provided that no license shall be deemed to be or to operate as a demise or lease.

(8) "Minister" shall mean the member of the Executive ^{"Minister."} Council for the time being charged with the administration of this Act.

"Overseer."

(9) "Overseer" shall mean and include a game and fishery overseer and any officer or person authorized to assist in the enforcement of this Act and of regulations made thereunder.

" (10) "Regulation" shall mean a regulation made by the Lieutenant-Governor in Council under the authority of this Act.

"Superintendent."

(11) "Superintendent" shall mean the chief officer in charge of the Game and Fisheries Branch of the Public Service.

Regulations.

4.—(1) The Lieutenant-Governor in Council may make regulations:

General Power.

(a) For making, keeping, searching for, obtaining and taking over all archives, records, books, regulations, orders in council, documents and accounts heretofore in the custody of the Government of the Dominion of Canada or of the Government of this Province or otherwise existing, or which may hereafter be recorded or accumulate, in any way relating to the game or fisheries of the Province; 63 V. c. 50, s. 29.

Records, Reports and Returns.

(b) Providing that all or any persons holding any lease or license issued under this Act, and all fish companies and fish dealers, shall keep such records and make such reports and returns as may be deemed necessary or expedient; 63 V. c. 50, ss. 9, 33; 1 Edw. VII., c. 37, s. 37 (2).

Other provisions.

(c) Containing such further and other provisions as may be necessary or desirable for the administration and enforcement of this Act and of any regulation made thereunder as hereinafter more particularly authorized.

Amendment and repeal.

(2) All regulations may be from time to time amended and repealed by the Lieutenant-Governor in Council and shall be read herewith and shall for all purposes be deemed to be a part hereof and to have the same force and effect as if herein contained. 1 Ed. VII., c. 37, s. 3.

Promulgation.

(3) All regulations shall come into force upon publication thereof in the *Ontario Gazette*, or upon such later date as may be therein stated, and a copy of the *Ontario Gazette* containing any regulations shall be admitted in all courts as sufficient evidence thereof. 63 V. c. 49, s. 33; 63 V. c. 50, s. 11; 1 Ed. VII., c. 37, s. 3.

Administration.

5.—(1) The administration of this Act and of all matters relating to fish and game in the Province, shall be
22a s. under

under the control and direction of the Minister and shall constitute a branch of the Public Service to be known as the Game and Fisheries Branch. 63 V. c. 50, s. 4.

(2) The remuneration of all officers of the Game and Fisheries Branch and of all other persons employed to perform any duty in connection therewith, or to assist in the enforcement of this Act and of all regulations, and all expenses incident to the due enforcement thereof, shall be paid out of such moneys as may be appropriated for that purpose by the Legislature. 63 V. c. 49, ss. 22, 23; 63 V. c. 50, ss. 4, 8. Remuneration of officers, etc.

(3) The Board of Game Commissioners of the Province of Ontario is hereby abolished. Board of Game Commissioners abolished.

6. The grant by patent, legal construction or implication of the bed of any navigable water, or of any lake or river in Ontario, whether such patent has been issued before or after the passing of this Act, shall not, unless such exclusive right of fishing is expressly granted by such patent, be deemed to carry or include the exclusive right of fishing in the navigable waters which cover or flow over the land so granted, any statute, law, usage or custom to the contrary notwithstanding. R.S.O. 1897, c. 288, s. 9. Exclusive right to fish in navigable waters only by express grant thereof.

7. Save as otherwise provided by this Act, all rentals, license fees, fines, penalties, proceeds of sales of articles confiscated, and other receipts, fees, revenue and payments payable under the provisions of this Act or of any regulation, or under the terms of any lease, license or other instrument therein authorized, shall be payable to the Treasurer of the Province. 63 V. c. 49, s. 29 (6). License fees, fines, etc., to be paid to provincial treasurer.

INDIANS AND SETTLERS.

8. Nothing herein contained shall be construed to affect any right specially reserved to or conferred upon Indians by any treaty or regulations in that behalf made by the Government of the Dominion of Canada with reference to hunting on their reserves or hunting grounds, or in any territory especially set apart for the purpose; nor shall anything in this Act contained apply to Indians hunting in any portion of the provincial territory as to which their claims have not been surrendered or extinguished. 63 V. c. 49, s. 32 (1). Indian Treaty rights.

PART II.

GAME.

9. The Lieutenant-Governor in Council may make regulations: Regulations.

(a)

Protection of
non-migratory
birds in dan-
ger of ex-
tinction.

- (a) Forbidding for a period of not more than three years at a time the hunting, shooting and sale in any part of the Province of any non-migratory game which may appear or require further protection than is afforded by this Act; 63 V. c. 49, s. 7 (3); 5 Edw. VII., c. 33, ss. 1, 2.

Protection of
migratory
birds in certain
cases.

- (b) Forbidding the hunting, shooting or sale of any migratory game which may at any time be in danger of extinction, for the same period and in the same manner as the same is at any time forbidden in any two or more of the United States of America, one of such states being New York, Pennsylvania, or Michigan; 63 V. c. 49, s. 7 (2).

Varying close
seasons in
certain
outlying
districts.

- (c) Varying the close seasons for that portion of the territory of the Province lying north and west of French River, Lake Nipissing and Mattawa River, or any part of the said territory; 63 V. c. 49, s. 7 (1).

Forbidding
the possession
of guns.

- (d) Forbidding or regulating the possession of guns, rifles or other firearms in any part of the Province in which it may appear that it is desirable to take special means to prevent violations of this Act;

Licensing
guides.

- (e) Forbidding guides or persons assisting hunters or hunting parties from acting as guides except under the authority of a license;

Employment
of licensed
guides.

- (f) Requiring non-resident holders of hunting licenses to employ licensed guides while hunting deer, moose or caribou;

Crown game
preserves.

- (g) Designating certain counties or portions of counties in the Province in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any deer at any time of the year, subject to such reservation in favour of the residents or settlers in such counties as may be deemed reasonable; 63 V. c. 49, s. 18.

Sale for
breeding
purposes.

- (h) Encouraging the propagation of game by authorizing any person owning game and having the same on his property to sell or dispose of such game at any time for propagation or stocking purposes; 63 V. c. 49, s. 19 (2).

Shooting or
hunting within
two miles of
Rondeau Park.

- (i) Regulating the shooting, hunting, taking or killing of any game protected by the provisions of this Act, within two miles of Rondeau Park or within Rondeau harbour; 63 V. c. 49, s. 17 (3).

(f)

- (j) Exempting Indians or actual *bona fide* settlers in the northern and northwesterly or other sparsely settled portions of the Province, whether the same be organized or unorganized, from any of the provisions of this Act, which may be specified in such Order-in-Council; provided that no settler shall hunt, take, kill or have in his possession any moose, reindeer or caribou except in any year when the same may be lawfully killed according to the provisions of this Act. 63 V. c. 49, s. 32 (2). Exempting Indians or farmers from provisions of Act.

10. No person not a British subject and no person not residing and domiciled in the Province of Ontario shall hunt, take, kill, wound or destroy any game, or carry or use any gun or rifle in the Province for hunting purposes except under the authority of a license. 63 V. c. 49, s. 3 (1). Non-residents.

OPEN SEASONS.

11.—(1) No person may hunt, take, kill or destroy— Open season.

- (a) Any deer, except between the 1st day of November and the 15th day of November, both days inclusive; Deer.
- (b) Any moose, reindeer, or caribou in that part of Ontario lying to the south of the main line of the Canadian Pacific Railway from the Town of Mattawa to the Manitoba boundary, except between the 1st day of November and the 15th day of November, both days inclusive; Moose, reindeer, and caribou south of C.P.R.
- (c) Any moose, reindeer, or caribou throughout that part of the Province lying to the north of the said main line of the Canadian Pacific Railway from Mattawa to the Manitoba boundary, except between the 16th day of October and the 15th day of November, both days inclusive; Moose, reindeer, and caribou north of C.P.R.
- (d) Any grouse, pheasants, prairie fowl, partridge or wood-cock, except from the 15th day of September, to the 15th day of December in any year, both days inclusive; 63 V. c. 49, s. 4, ss. 4a; 5 Edw. VII. c. 33, s. 8. Grouse, etc.
- (e) And quail or wild turkeys, black or grey squirrels, except from the 1st day of November, to the 1st day of December in any year, both days inclusive; 2 Edw. VII., c. 39, s. 2 (b). Quail and wild turkeys, black and grey squirrels.

(f)

Swans and
geese.

(f) Any swans or geese except from the 15th day of September to the 30th day of April in the following year, both days inclusive;

Ducks and
other water-
fowl.

(g) Duck of all kinds or any other water fowl except from the 1st day of September to the 31st day of December in any year, both days inclusive;

Snipe, rail,
plover, etc.

(h) Snipe, rail, plover or any other birds known as shore birds or waders, except from the 1st day of September to the 15th day of December in any year, both days inclusive;

Capercailzie.

(i) Capercailzie, except from the 15th day of September to the 15th day of December in any year, both days inclusive, but no capercailzie to be hunted, taken or killed before the 15th day of September, 1909; 4 Edw. VII., c. 28, s. 2.

Hares.

(j) Hares, except from the 1st day of October to the 31st day of December in any year, both days inclusive. 5 Edw. VII., c. 33, s. 9.

Cotton-tail
rabbits.

(2) Notwithstanding anything in this Act, the wood-hare or cotton-tail rabbit may be taken or killed in any manner by the owner, occupant or lessee of any land upon which it can be proved to cause actual damage to trees and shrubs, or by any member of the family of such owner, occupant or lessee, or by any person holding a written license or permit to shoot from such owner, occupant or lessee. 2 Edw. VII., c. 39, s. 3.

Special pro-
vision as to
shooting deer
put or bred by
any person on
his lands.

(3) Notwithstanding anything in this Act contained, persons who have heretofore put, bred or imported, or who shall hereafter put, breed or import deer upon their own lands with the desire to breed and preserve the same, and the licensees of any such person may hunt, take or kill any such deer from the 1st day of October to the 15th day of November in any year, both days inclusive, but the onus of proof that such deer were so put, bred or imported shall rest on the person hunting or killing the same. 63 V. c. 49, s. 4; 2 Edw. VII., c. 39, s. 4.

BEAVER, OTTER, MUSKRATS, ETC.

Beaver and
otter.

12.—(1) No beaver or otter shall be hunted, taken or killed or had in possession by any person before the 1st day of November, 1910, and thereafter no beaver or otter shall be hunted, taken or killed, or had in possession of any person between the 1st day of April and the 1st day of November, nor shall any traps, snares, gins or other contrivances be set for them during such period. 5 Edw. VII., c. 33, s. 2.

(2)

(2) No muskrat shall be hunted, taken or killed or had ^{Muskrat.} in possession of any person between the 1st day of May and the 1st day of December following, nor shall any traps, snares, gins or other contrivances be set for them during such period; and any such traps, snares, gins or other contrivances so set may be destroyed by any person without such person thereby incurring any liability therefor. This shall apply to Indians in respect of private or leased land.

(3) No muskrat shall be shot during the month of April; ^{Muskrat houses, etc.} nor shall any muskrat house be cut, speared, broken or destroyed at any time.

(4) Nothing in this Act shall apply to any person destroying any of the said animals in defence or preservation of his property nor shall be held to prevent the destruction of the muskrats by any means, at any time, in the vicinity of dams, or drainage embankments where there is a probability of injury being caused by them to the said dams or drainage embankments. 63 V. c. 49, s. 5 (4). ^{When destruction of muskrats lawful.}

Provided that the onus of proof shall be on the person ^{Proviso.} destroying any such animals.

SUNDAY.

13. No person shall, on the Lord's day, hunt, take, ^{Hunting on Lord's Day.} kill or destroy any game, or use any gun or other engine for that purpose. 63 V. c. 49, s. 6.

DEER.

14.—(1) No person shall hunt, take, kill, wound or destroy any deer, moose, reindeer, or caribou except under ^{License necessary for hunting deer.} the authority of a license.

(2) No person shall at any time hunt, kill or take any ^{Cow moose, fawns, etc., not to be killed.} cow moose, or young deer, moose, reindeer or caribou under the age of one year. 63 V. c. 49, s. 8 (2).

(3) No person shall during any one year or season kill or take more in all than two deer, one bull moose or one bull reindeer or caribou; provided that this shall not apply in the case of deer which are the private property of any person, and which have been killed or taken by such person or by his direction, or with his consent, in or upon his own lands or premises; provided always that two or more persons hunting together, and holding licenses as hereinafter provided, may kill an aggregate of not more than two deer for each member of the party. ^{Number of deer, etc. which may be killed.}

(4) No owner of any hound, or other dog, known by the ^{Hounds.} owner to be accustomed to pursue deer, shall permit any such hound or dog to run at large in any locality where deer

deer are usually found, during the close season for deer. Any person harboring or claiming to be the owner of such hound or dog shall be deemed to be the owner thereof; and any hound or dog found running deer during the close season shall be deemed to be at large with the permission of the owner thereof, and may be killed on sight by any person, who shall not be liable to any penalty or damage therefor. 63 V. c. 49, s. 8 (6).

WATER FOWL.

Hunting ducks,
etc., from
sailboats. 15.—(1) No wild ducks, geese or other water fowl shall be hunted, taken or killed from sail boats, yachts or launches propelled by steam or other power. 63 V. c. 49, s. 9, ss. 1.

Illegal
contrivances. (2) No swivel gun, or guns of any kind of a larger bore or gauge than 8, and none of the contrivances for taking or killing wild swans, geese or ducks, which are described or known as sunken punts or batteries, shall be used at any time. 63 V. c. 49, s. 9 (2).

Blinds or
decoys. (3) No blinds or decoys for use in hunting duck or other water fowl shall be placed at a greater distance than two hundred yards from the shore or a natural rush bed thick enough to conceal a boat.

POISONS, TRAPS AND CONTRIVANCES.

Poisons, use of
prohibited. 16.—(1) No person shall kill or take any game by the use of poison, or poisonous substances, or expose poison, poisoned bait or other poisoned substances, in any place or locality where any game or any dogs or cattle may usually have access to the same. 63 V. c. 49, s. 10 (1).

Trapping,
snaring, etc. (2) None of the said hereinbefore mentioned animals or birds other than those mentioned in section 12, shall be trapped or taken by means of traps, nets, snares, gins, baited lines or other similar contrivances, nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them or any of them, at any time; and such traps, nets, snares, gins, baited lines or contrivances may be destroyed by any person without incurring any liability therefor, if he finds them so set. 63 V. c. 49, s. 10 (2).

Shooting at
night. 17. No person shall discharge any gun or other fire-arm at any game between half an hour after sunset and half an hour before sunrise, according to the times given for sunset and sunrise in the publication known as the Canadian Almanac. 63 V. c. 49, s. 11.

SHOOTING FOR HIRE FORBIDDEN.

18. No person shall for hire, gain or hope of reward, Hired hunters. hunt, kill or shoot any game, or employ, hire or for valuable consideration induce any other person so to do. Provided that this shall not be held to apply to the *bona fide* employment of any person as guide to accompany any person lawfully hunting or shooting in this Province. 63 V. c. 49, s. 12.

EGGS.

19. No eggs of any game bird shall be taken, destroyed Eggs not to be taken. or had in possession by any person at any time. 63 V. c. 49, s. 13.

MASKS AND DISGUISES.

20. Any person being masked or disguised and carrying Masked or armed persons in neighborhood of preserves. or having in his possession any gun or other fire-arm near any preserve or shooting ground (or, in close season, near any place where game is usually found), shall be guilty of an offence under this Act. 63 V. c. 49, s. 14.

AUTOMATIC GUNS.

21. No gun of the description known as "automatic" in Automatic guns prohibited. which the recoil is utilized to reload the gun, shall be used in this Province in the killing of game.

22. No person employed in connection with the construction of any railway or Public Work in this Province shall carry or have in possession in the vicinity of such railway or other work, any gun, rifle or other fire-arm except as may be authorized by special license, which special license may be subject to such terms as the Lieutenant-Governor in Council may direct, and the ordinary hunting license provided for in this Act shall not be deemed to be a license under this section. Persons employed in construction of a railway or public work not to carry guns.

PRESERVES.

23.—(1) No person shall at any time shoot, hunt, take or kill any partridge, prairie fowl, quail, woodcock, snipe, wild turkey or other bird or fowl whatsoever within the boundaries of the Rondeau Provincial Park; nor shall any one shoot, hunt, trap, take or kill any wild bird or animal in the said park, except foxes, skunks, weasels, owls, hawks or other noxious birds or animals, and then only with the consent and authority of the Ranger of the said Park in writing first had and obtained. Killing game birds in Rondeau Park.

Wild fowl may
be taken near
Rondeau
Park.

(2) The preceding subsection shall not prevent or apply to the shooting or taking of wild duck or geese in the waters around and along the coasts of the said park during the lawful season. 63 V. c. 49, s. 17 (1), (2).

PRIVATE PRESERVES—PROPAGATION FOR STOCKING PURPOSES.

Protection of
private
preserves.

24. In order to encourage persons who have heretofore put, bred or imported, or may hereafter put, breed or import any kind of game upon their own lands with the desire to breed and preserve the same, it is enacted that it shall not be lawful for any person knowing it to be such game, to hunt, shoot, kill or destroy any such game without the consent of the owner of the lands upon which such game has been heretofore or is hereafter so put, bred or imported; provided that this section shall not be held to prevent any person from shooting, hunting, taking or killing upon his own lands, or upon any lands over which he has a legal right to shoot or hunt any game which he does not know, or has not good reason to believe had been theretofore put, bred or imported by some other person upon his own lands with the desire to breed and preserve the same. 63 V. c. 49, s. 19 (1).

Proviso.

TRESPASS IN PURSUIT OF GAME.

Entering on
lands after
notice not
to do so.

25.—(1) No person shall, at any time, enter into any growing or standing grain not his own with sporting implements about his person, nor permit his dog or dogs to enter into such growing or standing grain without the permission of the owner or occupant thereof, and no person shall at any time hunt, shoot, or with a gun or other sporting implement about his person or in his possession go upon any enclosed land of another after having had notice not to hunt or shoot thereon; and any person who, without the right to do so, hunts or shoots, or with a gun or other sporting implement about his person or in his possession goes upon any enclosed land of another after having had notice not to hunt or shoot thereon, shall be deemed guilty of a violation of this Act.

Notice to
trespassers,
how given.

(2) Any owner or occupant of land may give such notice:

(a) Verbally or in writing; or

(b) By maintaining sign boards at least one foot square, containing such notice in the following form, or to the like effect: "Hunting or shooting forbidden" on or near the boundary of the land intended to be protected; or

(c) By maintaining such sign boards on or near the boundary of such land, or upon or near the shores of any water covering the same, or any part thereof, to the number of two for each forty acres thereof.

(3) Any person who, without authority in that behalf, puts up, or causes to be put up, any such notice on any lands of which he is not the owner, or to the possession of which he is not legally entitled, or who tears down, removes, injures, defaces, or interferes with any such notice, shall be deemed guilty of a violation of this Act. Unauthorized putting up or interfering notices illegal.

(4) Nothing in this section contained shall be so construed as to limit or in any way affect the remedy at common law of any such owner or occupant for trespass. Common law rights preserved.

(5) For the purposes of this section, land, the boundary or any part of the boundary of which is a water line or line between land and water, or passes through a marsh or swamp, or any land covered with water, or any land without sufficient trees or obstructions to prevent any post hereinafter mentioned being clearly visible from the nearest post on either side thereof, shall be deemed to be enclosed, if posts are put up and maintained on the boundary thereof, or on the boundary of the part thereof sought to be enclosed, at distances which will permit of every post being clearly visible from the nearest post on either side thereof, and so placed that the boundaries will be sufficiently indicated by such posts. 63 V. c. 49, s. 20. Marsh lands.

PART III.

FISH.

26.—(1) The Lieutenant-Governor in Council may make regulations:— Government regulation.

- (a) Forbidding fishing in any waters within the Province except under the authority of a license to be issued on the terms and conditions by the regulations provided; 1 Edw. VII. c. 37, s. 3. Forbidding fishing except under license.
- (b) Preventing the destruction of fish and improper, wasteful and excessive taking thereof; 1 Edw. VII. c. 37, s. 3. Wasteful and destructive fishing.
- (c) Regulating the number, size and weight of any species of fish that may be caught, possessed, purchased or sold; 63 V. c. 50, s. 29. Number and weight of fish.
- (d) Regulating the taking of frogs and setting apart any suitable provincial waters for the cultivation and propagation of frogs; 63 V. c. 50, s. 43. Frogs.

(2) Except under the authority of a license no person not residing and domiciled in the Province of Ontario shall angle in the waters of the Province. Non-residents not to fish without license.

Sturgeon.

27. Except under the authority of a license, no sturgeon shall be caught, taken or killed by any means whatever. 1 Edw. VII. c. 37, s. 14.

Taking spawn etc., for breeding purposes.

28. Except as authorized by special license, no fish or spawn shall be taken in any manner or at any time from provincial waters for the purpose of stocking, artificial breeding, or for scientific purposes. 1 Edw. VII. c. 37, s. 8.

Regulations as to Nepigon waters.

29.—(1) Except under the authority of a license, no one shall fish in the waters of Lake Nepigon in the District of Thunder Bay, in the River Nepigon in the same District, nor in any tributaries of the said Lake or River. 63 V. c. 50, s. 51, ss. 1; 1 Edw. VII. c. 37, s. 17 (1).

Indian and other guides.

(2) This section and the conditions applicable to licenses authorizing such fishing shall apply to Indians as well as to all other guides, boatmen, canoeemen, camp assistants or helpers of any kind of any fishing party or persons who may hold any such license. 63 V. c. 50, s. 52.

Provisions as to setting apart of waters for natural or artificial propagation of fish.

30. The Superintendent may authorize to be set apart, and to be leased, any waters for the natural or artificial propagation of fish; and any person who wilfully destroys or injures any place so set apart, or used for the propagation of fish therein, without written permission from an overseer or from the lessee or licensee thereof, or uses therein a fishing light, or other like implement for fishing or fishes therein, during the period for which the waters are so set apart, shall be guilty of a violation of this Act. 63 V. c. 50, s. 27.

Nets to be marked with name of owners.

31. All nets shall have the name of the owner or owners legibly marked on two pieces of metal or wood attached to the same; and such mark shall be preserved on such nets during the fishing season, in such a manner as to be visible without taking up the net or nets; and any net used without such mark shall be liable to confiscation. 63 V. c. 50, s. 35.

Liability for penalties.

32. Every proprietor, owner, agent, tenant, occupant, partner or person actually in charge of any fishery, either as occupant or servant, shall be jointly and severally liable for any penalties or moneys recoverable under any of the provisions of this Act or any regulations made thereunder.

Transfer of lease.

33. No lessee shall have the right to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act without first having obtained the written consent of the Superintendent. 63 V. c. 50, s. 17.

34. If, in consequence of any incorrectness of survey, or other error or cause whatsoever, a lease comprises lands included in a lease of a prior date, the lease last granted shall be void in so far as it interferes or purports to interfere with that previously issued, but the lessee shall have no claim for indemnity or compensation on account thereof. 63 V. c. 50, s. 18.

Lessee not entitled to compensation in case of deficiency.

35. Every lease shall be deemed to have been made and granted subject to the right of passage to and from any water in favour of the occupants (if any), under title from the Crown, of the lands in rear of those included in the lease, whether so expressed therein or not. 63 V. c. 50, s. 19.

Rights of passage.

36. Disputes between persons relative to fishing limits or claims to fishery locations or stations in provincial waters or relative to the position and use of nets and other fishing apparatus in provincial waters, shall be settled by the local overseer, subject to appeal to the Superintendent. 63 V. c. 50, s. 36; 1 Edw. VII. c. 37, s. 10.

Disputes, adjustment of.

37.—(1) A lease shall, as against trespassers, entitle the lessee to all the rights of an owner in fee simple of the land and premises described therein.

Rights of lessee against trespasser.

(2) Every person not authorized by law so to do, who enters upon or passes over any fishery, or any land or premises described in any lease, without permission of the lessee or his representative, shall be deemed a trespasser, and shall be liable to all the penalties by law provided, and to pay all damages which any lessee or owner may be entitled to recover, and shall in addition be guilty of a violation of this Act.

Liability of trespassers.

(3) This section shall not apply to any person entering upon or passing over such lands in discharge of any duty imposed by law, nor, when the lands are included in a timber license, to the holder thereof, who shall at all times have the right to cut and take away all trees, timber and lumber within the limits of his license; nor to prevent the owners or occupiers of land bordering on any waters using a general right of passage to and from such waters, nor to prevent the public use of any waters or the banks thereof either for the conveyance of timber or lumber of any kind, or for the free navigation thereof by vessels, boats or other craft; nor to any user under license by the Crown of any such lands or waters for any purpose or occupation not inconsistent with the provisions of this Act. 63 V. c. 50, ss. 24, 25.

Rights of holders of timber license, navigation, etc.

38. Every person shall be guilty of an offence against this Act who, without permission of the owner, lessee or proprietor

Fishing within limits of fisheries or preserves prohibited.

proprietor of the right of fishing, fishes, or employs or induces any other person to fish, or assist in fishing, in any fishery or in any lake, pond, stream or water in which fish are lawfully preserved, cultivated, owned or maintained, or shall remove or carry away, or employ or induce or assist any other person to remove or carry away any fish in any such fishery or waters, and any net, article, apparatus or appliance used contrary to the provisions of this section, may be seized on view by any overseer or by the lessee, owner or proprietor, to be afterwards dealt with according to law; provided always, that the occupation of any fishing grounds or waters leased for the express purpose of net fishing, shall not interfere with, nor prevent, angling for other purposes than those of sale or traffic. 63 V. c. 50, s. 26.

PART IV.

POSSESSION—SALE—TRANSPORTATION.

Regulations.

39. The Lieutenant-Governor in Council may make regulations:—

Sale of snipe, quail, woodcock, partridge and certain fish.

(a) Prohibiting or regulating the purchase and sale of, or traffic in, snipe, quail, woodcock, partridge, speckled trout, bass and maskinonge. 5 Edw. VII. c. 33, s. 3.

Sale of imported game if lawfully procured.

(b) Authorizing and regulating the sale of game imported into the Province of Ontario and lawfully hunted, killed or procured according to the law of the province, state or country where the same was killed or procured.

Possession, etc., of fish in close season.

(c) Prohibiting the possession, purchase, sale and transportation of any species of fish in close season. 63 V. c. 50, s. 14.

Possession of game and fish in close season.

40.—(1) No person shall have in his possession, or in the possession of any servant, agent or other person on his behalf, any game, no matter where killed or procured, during the close season therefor, or any fish in close season contrary to the prohibition of any law, or regulation except as in this subsection expressly provided and excepted, that is to say:—

(a) Game lawfully killed or procured may be kept during the period between the end of the open season

season in any year and the first day of January in the following year;

- (b) Skins of moose, deer, cariboo and fur-bearing animals may be had in possession during close season under the authority of a license issued not later than ten days after the end of the open season, and specifying the number and description of such skins. 63 V. c. 49, s. 15, ss. 1; 5 Edw. VII. c. 33, s. 4.

(2) Except as expressly authorized by license, no person other than the actual owner, for the use of himself and family, shall keep game in cold storage during the season in which the same may be lawfully possessed as aforesaid. Cold storage in open season.

41.—(1) Except as expressly authorized by license, and as in this section expressly provided, no person shall, by himself, his servant, clerk or agent, buy, sell or expose or keep for sale, or directly or indirectly, on any pretense or device, for any valuable consideration, barter, give or obtain, to or from any other person, any game, no matter where killed or procured; Provided that the person who has actually and lawfully hunted, taken and killed any game may sell the same, or any part thereof, during the open season therefor. Provided also that it shall be lawful to buy from such person, or from the holder of a game dealer's license, any game which such person or licensee is at the time of sale authorized to sell under the provisions of this Act. 63 V. c. 49, s. 15, ss. 2. Purchase and sale of game. Selling without license. Proviso. Proviso.

(2) Except as expressly authorized by license, no hotel, restaurant or club shall supply for or as a part of any meal for which a charge is made, any game, no matter where killed or procured, during the close season therefor, or any fish contrary to the prohibition of any law or regulation. 63 V. c. 49, s. 15, ss. 3. Supplying game at meals

(3) It shall be an additional offence against this Act, punishable by a penalty of not less than the maximum penalty which would be otherwise applicable, to unlawfully supply at any hotel, restaurant or club, for, or as part of, a meal, any game or fish under any pretended name, or under the designation of anything which might at the time be lawfully supplied. Unlawful supplying of game and fish in hotels, clubs, etc.

42. Every express company and common carrier, every person or corporation engaged in the business of cold storage, every person or corporation engaged in the business of purveying or dealing in game or fish, every person or corporation engaged in the business of lumbering, or in charge Inspection to be facilitated by lessees and licensees.

charge of any camp near any fishery or near any place in which game is usually found, every person fishing or in charge of any fishery, and every person or corporation holding any lease or license, shall, upon request, permit any inspector, warden, overseer or other officer to enter and inspect any car, building, premises or enclosure, and to open any receptacle for the purpose of examining all game and fish taken and all implements and appliances for hunting and fishing and for the purpose of searching for game or fish illegally killed or procured, and to inspect any books, invoices, or documents containing any entries or memoranda relating to game or fish illegally killed or possessed, and shall afford any such officer who may make any such request all reasonable facilities for any such search, and in case of refusal such officer shall have power, without a search warrant, to break such locks and fastenings as may be necessary in order to make such examination, using no more force than necessary for such purpose. 63 V. c. 49, s. 16 (6); 63 V. c. 50, s. 30.

Transporting
deer, moose,
etc. without
shipping cou-
pons.

43.—(1) No railway or express company, or other common carrier, and no other person whatever shall transport or receive, or have in possession for any purpose in this Province any deer, moose, elk, reindeer or caribou, or any head, skin or other part thereof unless there is attached thereto one of the shipping coupons belonging to a license authorizing the shipper to hunt or kill the same, together with an affidavit of the shipper (if required) that the same was legally hunted or taken. 63 V. c. 49, s. 16 (1).

Game in
close season

(2) No railway or express company, or other common carrier, and no other person whatever, shall transport or receive or have in possession for that purpose in this Province any game during the close season therefor, or in open season after the date of expiry of the shipping coupon attached thereto, unless there be attached thereto (in addition to a shipping coupon if required) an affidavit of the shipper that the same was lawfully hunted and taken. 63 V. c. 49, s. 16 (2).

Affidavit
necessary.

Game
killed in other
provinces.

(3) The two preceding subsections shall not apply to prevent the transportation of any game if accompanied by an affidavit that the same was lawfully killed in some other Province or district of the Dominion of Canada, according to the law of such Province or district. 63 V. c. 49, s. 16, ss. 3; 5 Edw. VII., c. 33, s. 5.

Weight of fish
not to be
transported.

(4) No common carrier or other person shall ship or transport out of this Province or shall receive or have in possession for the purpose of shipping or transporting out of this Province, any salmon trout, lake trout or white fish weighing less than two pounds undressed, taken or caught in Provincial waters. 63 V. c. 50, s. 39.

(5) No common carrier or other person shall receive or have in his possession or shall ship or transport to any point or place any fish caught or killed within this Province at a time or in a manner prohibited by law. 63 V. c. 50, s. 40. Transporting fish illegally caught.

44. All receptacles, including bags, boxes, baskets, crates, packages and parcels of every kind in which game or fish is packed for transportation, shall be so constructed as to show the contents thereof, or shall be marked with the description of the contents, and in either case shall be marked or labelled with the names and addresses of the consignee and consignor; and in case of failure to comply with the provisions of this section, the owner, consignor and person actually shipping and claiming such receptacles shall be deemed guilty of an offence against this section. 63 V. c. 49, s. 16, ss. 7; 63 V. c. 50, s. 42. Particulars to be marked on parcels of fish or game.

45.—(1) Any non-resident who may at any time be entitled to hunt or shoot within the Province of Ontario by virtue of a license under this Act, shall, so far as the authority of the Legislature of the Province of Ontario extends, be at liberty to export out of the Province in any one open season game actually and lawfully killed by him, as follows: one bull moose, reindeer or caribou, two deer, 100 duck; but a shipping coupon attached to such license shall be attached to every such deer and to every receptacle containing such other game, and such person must, if required by any overseer, make a statutory declaration of the fact that such game has been lawfully killed by him. 63 V. c. 49, s. 16, ss. 4. Exporting deer, etc. by holders of non-resident licenses.

(2) Except as aforesaid, no person shall at any time export from the Province of Ontario, or with such intent hunt, take or kill any game, except any deer, moose, elk, reindeer or caribou which are not wild but which are the private property of any person and have been killed or taken by such person or by his consent or direction in and upon his own lands and premises. 63 V. c. 49, s. 16, ss. 5.

PART V.

LICENSES.

46. The Lieutenant-Governor in Council may make regulations: Regulations.

- (a) Governing the issue of licenses and (subject to the provisions of this Act) establishing the terms and conditions thereof, the period for which the same shall issue, and the fees payable in respect thereof; 63 V. c. 49, s. 24, ss. 2. Terms of license.

Fees.

- (b) Increasing the fee payable for non-resident hunting licenses as to deer, moose and caribou to \$50;

Special license to guest of resident.

- (c) Granting without fee a special license to enable a guest of a resident of the Province to hunt and shoot therein for a term not exceeding one week; 63 V. c. 49, s. 3, ss. 2.

Reduced fee to residents of other provinces.

- (d) Reducing the fee for non-resident hunting license to residents of other Provinces of the Dominion of Canada by providing that such licenses may issue upon the same terms and conditions as residents of Ontario are under the laws of such other Provinces respectively permitted to hunt, shoot or fish therein. 63 V. c. 49, s. 3, ss. 3.

Conditions applicable to all licenses.

47. The following terms and conditions in addition to any others imposed by regulation shall apply to all licenses issued under this Act, or any regulation.

Not to be issued to convicted persons

- (a) No license shall be issued to any person, or to any corporation employing any person who in such employment may have been convicted of any offence against this Act within two years next preceding the date of application for such license. 63 V. c. 49, s. 24, ss. 4.

Illegal transfer.

- (b) Licenses shall not be transferable, and every person shall be guilty of an offence under this Act who shall buy, sell, exchange or in any way become a party to the transfer of any license, or coupon, or who shall in any way use, or attempt to use, a license or coupon issued to any other person.

Cancellation.

- (c) Licenses shall be subject to be cancelled by the Superintendent subject to appeal to the Minister, by reason of contravention by the licensee (or by any other person with his connivance) of this Act or of any regulation or of any of the terms and conditions of such license, notwithstanding that no prosecution has been instituted or conviction had in respect of such contravention. 63 V. c. 50, s. 12; 1 Ed. VII., c. 37, s. 34.

Conviction to act as cancellation.

- (d) A conviction for any offence under this Act or any regulation shall operate as a cancellation of every license held by the person convicted. 63 V. c. 50, s. 22; 1 Ed. VII., c. 37, s. 7.

Issue of license to be discretionary.

- (e) The issue of licenses under this Act and under regulations from time to time in force, shall be in the discretion of the Superintendent, sub-

ject to appeal to the Minister, but no person shall be deemed to have any claim to the issue of a license as of right.

48.—(1) Licenses authorizing hunting and shooting in the Province of Ontario may be issued as follows:—
Hunting licenses.

- (a) Authorizing persons not resident in the Province of Ontario to carry guns, rifles and firearms and to hunt and shoot therein. The fee for such license shall be \$25, until otherwise provided by regulation increasing the fee to not more than \$50.
To non-residents.
- (b) Authorizing residents of the Province of Ontario to hunt deer during any season. The fee for such license shall be \$2.
To residents, deer.
- (c) Authorizing residents of the Province of Ontario to hunt moose, reindeer or caribou. The fee for such license shall be \$5. 63 V. c. 49, s. 25 (1).
To residents for moose, reindeer or caribou.

(2) Licenses issued under the authority of this section shall be subject to the following in addition to any conditions imposed by regulation:
Terms of license.

- (a) Every person who has obtained a license under this section shall at all times when hunting carry such license on his person, and shall at all reasonable times and as often as reasonably requested, produce and show the same to any person requesting him so to do, and on failure or refusal to do so shall forfeit such license, and if found hunting or taking any deer or other animal, for hunting which such license may be required, shall, on proof of failure or refusal to comply with such request, be deemed to have been guilty of an offence against this Act. 63 V. c. 49, s. 25 (2).
Production of licenses on demand.
- (b) Every person who has obtained a license under this section shall within two weeks after the close of the open season in the year for which such license has been issued, make a return to the Superintendent verified by declaration, giving such particulars of his use of such license as shall be required by regulation according to the form printed thereon.
Return as to use of license.
- (c) Every person shall be guilty of an offence against this Act who shall fail to make the return required
Failure to make return.

quired by the next preceding subsection, and shall be guilty of an additional offence with respect to each month which shall thereafter elapse without making such return.

Coupons to be attached to license.

- (d) There shall be attached to every license authorizing the hunting of deer, two shipping coupons, plainly marked with the description of the game for hunting which the license has been applied for and to every license authorizing the hunting of moose, one shipping coupon similarly marked and there shall be printed or stamped upon each coupon the date when the same shall expire, which shall not be later than ten days after the last day of the open season for which the license thereto attached has been issued, and when any deer, moose, reindeer or caribou, or any part thereof, or any game for export under section 45 of this Act, is presented for shipment at any railway station, steamboat landing or other point of shipment, one of the said coupons shall be signed and detached by the person to whom the license is issued, in the presence of the shipping agent or clerk in charge of the office at such point of shipment, and attached to each deer or other animal, or part thereof, or package as aforesaid, and thereupon such shipping agent shall write across the face of such coupon the word "cancelled"; and any person, shipping agent or clerk neglecting so to do, or using a shipping coupon after the date of expiry thereof and shipping or assisting in the shipment of anything to which a shipping coupon is required to be attached, without complying in all respects with the provisions of this section, shall be guilty of an offence against this Act. 63 V. c. 49, s. 26 (1).

Cancellation of.

What licenses may be issued.

49. Licenses may be issued upon such terms and conditions as may be imposed by regulation:—

Cold storage.

- (a) Authorizing any person or corporation engaged in the business of cold storage of perishable articles to keep any game during the open season and during the period in close season extending from the end of the open season in any year to the 1st day of January of the following year. The fee for such license shall be \$25;

Game dealers. Sale in open season.

- (b) Authorizing any person or corporation during the open season and during the period in close season

son

son extending from the end of the open season in any year to the 1st day of January of the following year to buy and sell, and, within the limits of the municipality for which such license is issued, to expose for sale, game lawfully killed and procured, and during such period and upon such conditions as may be fixed and established by regulation, game imported into the Province of Ontario, specified and described in such regulation, and lawfully hunted, killed or procured according to the law of the Province, State or country where the same may have been killed or procured. The fee for such license shall be in cities having a population of 100,000 or over, \$25; in other cities having a population of over 50,000, \$10; in other cities having a population under 50,000 and over 25,000, \$5; in cities having a population under 25,000 and in towns, \$2; and in incorporated villages and townships, \$1;

Rule of imported game in close season.

- (c) Authorizing a hotel, restaurant or club to supply for or as part of a meal served upon the premises of such hotel, restaurant or club, any game lawfully obtained during the period in which the same may be sold under game dealer's license as hereinbefore provided. The license fees shall be for cities having a population of over 100,000, \$10; for cities having a population over 50,000, \$5; and all other municipalities, \$1. 63 V. c. 49, s. 27 (1).

Supply of game by hotels, etc.

50. Licenses may be issued authorizing fishing in the Nepigon River, Nepigon Lake and adjacent waters subject to the following in addition to any other conditions imposed by regulation:

Conditions of licenses for Nepigon waters.

- (a) One license only may be issued to any applicant, and shall not be for a longer period than four weeks from the date of issue.
- (b) The fee for such license shall be \$15 for a period of two weeks or less, \$20 for three weeks and \$25 for four weeks, where the applicant is not a permanent resident of Canada; and \$5 for two weeks and \$10 for four weeks where the applicant is a permanent resident of Canada.
- (c) The said license shall not be transferable and the holder thereof shall produce and exhibit the same whenever called upon so to do by an overseer.

Number and term of licenses.

Fee for license.

Not transferable and to be produced upon request.

(d)

Subject to
supervision.

(d) All fishing camps, and fishing parties visiting the said waters shall be subject to the supervision of overseers.

Sanitary
arrangements.

(e) Such sanitary arrangements as an overseer may direct shall be made, and such directions as he may give for the disposal of refuse and the extinction of fires shall be complied with.

Cutting of live
timber
prohibited.

(f) The cutting of live timber the property of Ontario by persons holding a license or permit to fish in said waters, their servants or agents, is prohibited except where absolutely necessary for the purpose of camping and shelter, such as for tent poles, tent pins, and the like. 63 V. c. 50, s. 51; 1 Edw. VII., c. 37, s. 17.

Fishing
licenses.

51.—(1) Licenses may be issued authorizing fishing in any waters within the Province subject to any terms, conditions or limitations, and for any district, or fishery, and within any boundaries therein and in any regulation set forth. 63 V. c. 50, s. 12; 1 Ed. VII., c. 37, s. 4.

To non-
residents.

(2) Licenses may be issued authorizing non-residents of the Province of Ontario to angle in the waters of the said Province, except in such waters as are specially provided for in this Act. The fee for such angling license shall be for an individual the sum of \$2, and for a family \$5, and such license shall be valid only for the calendar year in which the same is issued.

Guides.

52. Licenses may be issued on such terms and conditions as may be imposed by regulation, giving authority to act as guides for hunting, shooting or fishing, in any part or district of the Province specified in any such licenses, to such persons applying therefor as may be certified by any Inspector or Warden to be fit and proper persons and qualified so to act. The fee for any such license shall not exceed \$2. 63 V. c. 49, s. 28, ss. 4.

PART VI.

ADMINISTRATION.

Government
regulations.

53. The Lieutenant-Governor in Council may make regulations:—

Adminis-
tration.

(a) For the proper administration of the Game and Fisheries Branch.

Appointment
of officers.

(b) For the appointment and for the remuneration of the superintendent, inspectors, wardens, over-
seers

seers, officers, servants and other persons, including private prosecutors, whose assistance may be from time to time required or given for the purposes of this Act. 63 V. c. 49, s. 23 (2); 63 V. c. 50, s. 5 (1).

- (c) Conferring upon certain overseers by special appointment powers of justices of the peace for the purposes of this Act and of all regulations. 63 V. c. 50, s. 5.

Making certain overseers Justices of the Peace.

54. The administration of the Game and Fisheries Branch shall, under the Minister, be in charge of the chief officer thereof, who shall be known as the Superintendent of Game and Fisheries.

Superintendent.

55. There shall also be appointed Inspectors of Game and Fisheries, not exceeding three in number, who shall, in addition to such duties as may be imposed upon them by regulation, examine and report upon the enforcement of the Act in all parts of the Province, the manner in which all Wardens and Overseers have during the year performed their duties, and shall also examine all applicants for the office of Game and Fishery Overseer.

Inspectors of Game and Fisheries.

56. There shall also be appointed Wardens of Game and Fisheries, not exceeding seven in number, who, subject to the Superintendent, shall have charge of and be responsible for the enforcement of this Act in the districts for which they shall respectively be appointed, being such portions of the Province as shall be described in the regulation providing for their appointment. 63 V. c. 49, s. 22 (1); 5 Edw. VII. c. 33, s. 6.

Wardens of Game and Fisheries.

57.—(1) The Superintendent, Inspectors and Wardens of Game and Fisheries, Overseers authorized by their appointment to act as Justices of the Peace, and those members of the Provincial Police Force known as Inspectors of Criminal Investigations, having taken the oath of office hereinafter prescribed, shall be Justices of the Peace in and for every County or District of the Province for the purposes of this Act and of all regulations. 63 V. c. 49, s. 22 (4); 5 Edw. VII. c. 33, s. 7.

Officers authorized to act as Justices of the Peace.

(2) The said Superintendent, Inspectors, Wardens and Overseers shall, before acting as Justices of the Peace as aforesaid, take and subscribe the following oath:—

Oath to be taken before acting as Justices of the Peace.

I, A. B., Superintendent (or as the case may be), appointed under the provisions of *The Ontario Game and Fisheries Act*, do solemnly swear that to the best of my judgment I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such Superintendent (or as the case may be) according

ing to the true intent and meaning of *The Ontario Game and Fisheries Act* and of all regulations made thereunder. So help me God.

63 V. c. 49, s. 22 (5).

Overseers
appointed and
dismissed.

58.—(1) Subject to the approval of the Minister, the Superintendent of Game and Fisheries shall have power to appoint and from time to time in his discretion dismiss game and fishery overseers in and for any part of the Province. 63 V. c. 49, s. 23 (1).

Remuneration
of Overseers,
etc.

(2) Overseers shall be paid by salary or by special remuneration for work performed, prosecutions conducted or convictions obtained under this Act, or partly by salary and partly by special remuneration as aforesaid, but shall not be entitled to receive directly any fines imposed for offences against this Act. 63 V. c. 49, s. 23 (2); 63 V. c. 50, s. 8.

Powers and
duties of
Overseers.

59.—(1) Every overseer shall, before acting as such, obtain and deposit with the Superintendent a written certificate signed by an Inspector or Warden, certifying that he is a fit and proper person to be appointed to the office of Overseer, and shall take and subscribe the following oath:—

Oath of
Overseer.

I, A. B., a Game and Fishery Overseer in and for the (County, District or Territory) described in my appointment, do solemnly swear that to the best of my judgment I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such Overseer according to the true intent and meaning of *The Ontario Game and Fisheries Act* and of all regulations made or to be made thereunder. So help me God.

63 V. c. 49, s. 23 (12); 63 V. c. 50, s. 6.

Overseer's
powers as con-
stable.

(2) Persons duly appointed Overseers and having obtained the certificate and taken the oath hereinbefore provided, shall be, and exercise the authority of constables for the purposes of this Act and of all regulations. 63 V. c. 49, s. 23, s. 6.

Arrest on view.

(3) It shall be the duty of every Overseer (not being himself a Justice of the Peace or authorized to act as such), on view of a violation of this Act, to arrest the person committing the same, without process, and to bring him with reasonable diligence before a Justice of the Peace or Magistrate to answer therefor. 63 V. c. 49, s. 23 (9).

Duty to
search.

(4) It shall be the duty of every Overseer, if he has reason to suspect and does suspect that game, peltries or fish have been killed, taken or shipped or are possessed contrary to the provisions of this Act, or of any regulation, and are contained in any trunk, box, bag, parcel, or receptacle, to open the same, entering all premises which he may be authorized to enter under the terms of this Act,
and

and using necessary force, in case the owner or person in charge refuses to facilitate his search, and if such overseer has reason to believe and does believe that it is necessary to enter any store, private house, warehouse, car or building which he is not authorized under the terms of this Act to enter without a search warrant, he shall make a deposition according to Form A in the schedule annexed to this Act before a Justice of the Peace, and demand a search warrant to search such store, private house, warehouse, car or building, and thereupon such Justice of the Peace may issue a search warrant according to Form B in the said schedule. 63 V. c. 49, s. 23, ss. 4, 5.

Opening parcels or entering premises.

Search warrant.

(5) It shall be the duty of every Overseer forthwith to seize all game and fish and all boats, guns, decoys, nets, lines, tackle, appliances, materials and articles used or possessed contrary to the provisions of this Act or of any regulation, and to deal therewith according to law, provided that all articles the use whereof is at all times unlawful shall be forthwith destroyed. 63 V. c. 49, s. 23 (3); 63 V. c. 50, s. 56.

Duty to seize.

(6) Overseers shall have all powers and duties conferred upon them for the purposes of this Act by any regulation and by the terms and conditions of any lease or license.

General powers.

(7) It shall be the duty of every Overseer to investigate all cases of violations of this Act or of any regulation which may be brought to his notice, and to prosecute all persons whom he may have reasonable cause to believe guilty of any offence against this Act or any regulation. 63 V. c. 49, s. 23, ss. 4.

Duty to investigate and prosecute.

(8) In the discharge of his duties every Overseer and every person by him accompanied, or authorized for that purpose, may enter upon, and pass through, or over, private property, without being liable for trespass. 63 V. c. 50, s. 7.

Right of passage.

(9) Overseers shall make such annual and other reports and returns as the Superintendent may from time to time require.

Reports.

(10) Any person who shall obstruct, hinder, delay or interfere with any Overseer appointed under this Act in the discharge of his duty under the provisions of this Act or while enforcing or attempting to enforce, or while acting under any Act or Regulation of Canada relating to fish, fishing or fisheries, by violence, hindrance or by the means of threats, or by giving false information, or in any other manner whatsoever, shall be guilty of a violation of this Act. 63 V. c. 50, s. 31.

Obstructing officers in the discharge of their duty.

(11) Every Overseer or other person authorized to enforce the provisions of this Act, and neglecting or refusing

Neglect to fulfil duties.

so to do, or to perform any of the duties pertaining to their office as above set forth, shall be guilty of an offence under this Act. 63 V. c. 49, s. 23, ss. 11.

Abuse of
power.

(12) Any officer who maliciously, or without probable cause, abuses his power in such proceedings, shall be guilty of an offence under this Act. 63 V. c. 49, s. 23, ss. 10.

Duty of.

(13) All the provisions of this section as to Overseers shall apply to the Superintendent, Inspectors and Wardens so far as is consistent with their respective duties otherwise imposed, and all sheriffs, deputy sheriffs, provincial police or constables, county constables, police officers, wood rangers, Crown lands agents, timber agents and fire wardens are hereby constituted Overseers with all the powers and duties by this section conferred and imposed upon Overseers who have duly taken the oath of office as hereinbefore provided. 63 V. c. 49, s. 23, ss. 7, 13; 63 V. c. 50, s. 5, ss. 2.

PART VII:

PROCEDURE—EVIDENCE—PENALTIES.

Provisions
with respect
to summary
proceeding.

60.—(1) The following provisions shall have effect with respect to summary proceedings for offences, fines and penalties under this Act or any regulation.

Persons before
whom offences
may be tried.

(2) All prosecutions under this Act may be brought and heard before any person authorized by this Act to act as a Justice of the Peace or before any of His Majesty's Justices of the Peace in and for the county or district where the penalty was incurred or the offence was committed, or wrong done, or if near any boundary between different counties or districts, then in either, or in the county or district where the offender lives or is found, and in cities, towns and incorporated villages in which there is a Police Magistrate before such Police Magistrate, but no person charged with an offence under this Act shall be compelled to attend before a magistrate at a greater distance from the place where he may have been found or arrested or from his place of residence or the place where the offence was committed than ten miles, if there is a magistrate residing within that distance who is willing to dispose of the case and is not interested in any way therein, or related to or connected with any of the parties thereto. 63 V. c. 49, s. 31, ss. 2.

Limitation.

(3) The information or complaint shall be laid within six months after the commission of the offence; provided that this shall not apply to prosecutions for omissions to make

make any returns required by this Act or by any regulation. 63 V. c. 50, s. 54.

(4) Any contravention of, or offence against any regulation or the terms or conditions of any lease or license issued thereunder shall be and may be stated as being an offence against this Act. 63 V. c. 50, ss. 11, 12; 1 Edw. VII. c. 37, ss. 3, 4, 15. Offences.

(5) The description of an offence, in the words either of this Act or of any regulation, or in any similar words shall be sufficient in law. Description of offence.

(6) Any exception, exemption, proviso, excuse or qualification, whether or not it accompanies the description of the offence in this Act, or in any regulation, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant. 63 V. c. 49, s. 31 (5). Exceptions.

(7) Any justice of the peace or other person authorized under the provisions of this Act to act as a justice of the peace for the purposes thereof, may upon his own view convict for any offence against this Act or any regulation. 63 V. c. 49, s. 22 (3). Conviction on view.

(8) A violation of this Act or of any regulation shall constitute a separate offence in respect of each game animal, bird or fish which is the subject thereof, though more than one violation of the same kind or of a different kind and in respect of more than one game animal, bird or fish takes place at the same time or upon the same day. 63 V. c. 49, s. 29 (3); 63 V. c. 50, s. 57. Separate offences.

(9) Upon the trial of any prosecution under this Act, the Justice or Justices before whom the same is tried, shall, if it appears that more than one offence of the same kind was committed at the same time, or on the same day, impose all the penalties in one conviction which he or they are empowered to do. 63 V. c. 49, s. 31 (5). Different offences on same day.

(10) The Justice or Justices shall, in any such conviction, adjudge that the defendant be imprisoned unless the penalty, and also the costs and charges of prosecution and commitment, and of conveying the defendant to prison, are sooner paid. 63 V. c. 49, s. 31 (6); 63 V. c. 50, s. 61. Committal on non-payment of fine.

(11) The amount of the costs and charges of the commitment and conveying of the defendant to prison shall be ascertained and stated in the warrant of commitment. 63 V. c. 49, s. 31 (7). Costs.

Defects of form.

(12) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorized to appeal, shall not be removed by *certiorari* or otherwise either at the instance of the Crown or any private person into the High Court, except for the purpose of the hearing and determination of a special case.

Convictions not removable on *certiorari*.

Application of Rev. Stat. c. 90.

(13) In all prosecutions under this Act, save when herein otherwise provided, the procedure shall be governed by *The Ontario Summary Convictions Act*. 63 V. c. 49, s. 31, ss. 9; 63 V. c. 50, s. 62.

EVIDENCE.

Onus of proof.

61.—(1) In all actions and prosecutions under this Act the onus shall be upon any person found in possession of any game or fish in close season, to prove that such game was lawfully taken, killed and obtained. 63 V. c. 49, s. 30, ss. 2.

Finding nets to be evidence.

(2) The finding of any nets, fishing devices or other articles set or maintained in violation of this Act shall be *prima facie* evidence of the guilt of the person or persons owning, possessing or operating the same. 63 V. c. 50, s. 32.

Possession, etc.

(3) In all actions and prosecutions under this Act the possession of guns, decoys or other implements of shooting or hunting in or near any place where any game has been, or is likely to be found, shall be sufficient evidence *prima facie* that the person or persons in possession thereof, were hunting or shooting such game. 63 V. c. 49, s. 30 (1).

Defendant a competent and compellable witness.

(4) On the trial of any complaint, proceeding, matter or question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question, and on any such trial no person, witness or party shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or any other person, provided, however, that no evidence so given shall be used or receivable in evidence against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving such evidence. 63 V. c. 49, s. 30 (4); 63 V. c. 50, s. 60.

PENALTIES.

62.—(1) Any person committing any offence under this Act in respect of deer, moose, elk, reindeer, caribou, beaver or otter shall be liable for each offence to a fine not exceeding \$100 and not less than \$20, together with the costs and any person committing any other offence against any of the provisions of this Act, shall be liable for each offence to a fine not exceeding \$50 and not less than \$5, together with the costs, and in default of immediate payment of any fine and costs imposed under this section the offender shall be imprisoned in the common gaol of the county where such conviction takes place for a period not exceeding three months. 63 V. c. 49, s. 29 (1).

Deer, etc.

Other offences.

(2) Any person offending against any of the provisions of this Act who has been convicted of the same or any other offence against this Act within two years theretofore, shall be liable to a penalty of not less than double the minimum penalty hereinbefore provided for such second offence, and upon a third or any subsequent conviction at any time thereafter such person shall be liable to a penalty of not less than the maximum penalty hereinbefore provided. 63 V. c. 49, s. 29 (4).

Second and third offences.

(3) Any person convicted of any offence under this Act shall, if such person be proved to have been masked or disguised and in possession of any gun or other fire-arm at the time such offence was committed, be liable to be imprisoned for a period not exceeding three months without the option of a fine, in addition to the penalty elsewhere provided for such offence. 63 V. c. 49, s. 29 (2).

Masked when offence committed.

(4) A violation of this Act shall constitute a separate offence in respect of each and every game animal, bird and fish which is the subject thereof, though more than one violation of the same kind or a different kind and in respect of more than one game animal, bird or fish takes place at the same time or upon the same day. 63 V. c. 49, s. 29 (3).

Separate offences.

(5) No justice of the peace shall have any power to remit any penalty or to reduce the amount of penalties in case of conviction for more than one offence upon the same prosecution, but in any case in which the aggregate penalties upon conviction for more than one offence committed at the same time or included in the same conviction shall amount to more than the sum of \$500, the Minister shall have power in his discretion to remit any part of the excess over said amount.

Remission or reduction of penalties.

(6) All fines imposed and collected in prosecutions under this Act in which overseers appointed under this Act are

One half fine to go to private prosecutor.

are prosecutors, shall be paid to the Treasurer of the Province. 63 V. c. 49, s. 29, ss. 6.

Application
of fine.

(7) One-half of every fine imposed and collected under the provisions of this Act in which any other person acts as prosecutor, shall be paid to such prosecutor, or to the person on whose evidence the conviction is made, as the Justice may determine, and the other one-half shall be paid to the Treasurer of the Province. 63 V. c. 49, s. 29, ss. 8.

Confiscation of
game, etc.

(8) All guns, ammunition, boats, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, and all appliances of every kind used for fishing and hunting, and all game and fish found in the possession of any person committing an offence against this Act or any regulation or in respect of which any such offence was committed, shall be confiscated upon seizure and, save as hereinafter provided, shall become the property of His Majesty and shall be forwarded to the Superintendent to be sold and the proceeds paid to the Treasurer of the Province. Except only that articles of which the use is at all times unlawful shall be destroyed on seizure and that perishable game and fish may in the discretion of the Overseer be immediately given to any charitable institution. 63 V. c. 49, s. 29, ss. 5; 63 V. c. 50, s. 65.

Confiscation of
packages, etc.

(9) Upon seizure of any game or fish illegally killed or possessed, or in respect of which any offence against this Act or any regulation has been committed, all packages, boxes, crates, parcels or other articles containing the same shall, together with all other contents thereof of every kind and description, be confiscated, and shall be deemed to be the property of the Crown, and shall be sold and the proceeds applied as provided in the next preceding subsection in the case of such illegal contents.

No right of
property in
game or fish
illegally
caught.

(10) No person committing any offence against this Act or any regulation shall have or acquire any right of property in game or fish caught or taken by him while committing such offence or in respect of which such offence was committed, but the same shall be forfeited and shall become the property of the owner, lessee or licensee, if any, in breach of whose rights such offence was committed; otherwise shall become the property of His Majesty.

Penalties to
take effect on
confiscation.

(11) The penalties in the three preceding subsections provided as to confiscation and loss of property shall take effect upon seizure if any offence has been in fact committed notwithstanding that no conviction be had against the person actually committing such offence.

Conviction to
cancel license.

(12) All leases or licenses held by any person convicted of any offence against this Act or any regulation shall be deemed to be cancelled upon conviction without further action

action or notice given by any officer of the Game and Fisheries Branch.

63. *The Ontario Game Protection Act, The Ontario Fisheries Act, 1900*, and all amendments of the said Acts ^{63 V. cc. 49 and 50 repealed.} are hereby repealed.

SCHEDULE.

FORM A.

(Section 59).

Deposition for a Search Warrant.

I, _____, undersigned _____, do hereby declare that I have reason to suspect, and do suspect, that game, furs or fish unlawfully killed or taken or possessed (*as the case may be*) are at present held and concealed (*describe the property, occupant, etc., and the place.*)

Wherefore, I pray that a warrant may be granted and given to me to effect the necessary searches (*describe here the property, etc., as above*).

Sworn before me at _____ this _____ day of _____ A.D. 19 _____ X.Y.

L. B.,
J. P.

63 V. c. 49.

FORM B.

(Section 59).

Search Warrant.

Province of Ontario,
County of _____

To each and every the constables of _____, County of _____

Whereas _____ has this day declared, under oath, before me, the undersigned, that he has reason to suspect that (*furs or fish unlawfully taken or possessed, as the case may be*) are at present held and concealed (*describe property, occupant, place, etc.*).

Therefore you are commanded by these presents, in the name of His Majesty, to assist the said _____, and to diligently help him to make the necessary searches to find the (*state the game, furs or fish unlawfully taken or possessed, etc.*) which he has reason to suspect, and does suspect, to be held and concealed in (*describe the property, etc., as above*), and to deliver, if need there be, the said game, etc., (*as the case may be*) to the said _____ to be by him brought before me, or before any other magistrate, to be dealt with according to law.

Given under my hand and seal at _____ county of _____
this _____ day of _____, A.D. 1 _____

L. B.,
J. P.

[L.S.]

CHAPTER 50.

An Act to amend The Department of Education Act.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

6 Edw. VII.
c. 52
s. 3 amended.
Jurisdiction of
department.

1. Section 3 of *The Department of Education Act* is amended by striking out the words "Ontario Normal College" in the fifth and sixth lines and inserting therein after the word "Libraries" in the sixth line the words "travelling libraries, summer and vacation schools, school cadet corps."

6 Edw. VII.
c. 52, s. 4,
subs. 4
amended.

2. Subsection 4 of section 4 of the said Act is amended by adding at the end thereof the words "and for the preparation of school plans and specifications."

6 Edw. VII.
c. 52, s. 4,
subs. 6, 7,
repealed.

3. Subsections 6 and 7 of section 4 of the said Act are repealed, and the following substituted therefor:

(6) For affiliating with the Universities or the Normal Schools such Collegiate Institutes, High Schools, Public Schools or Separate Schools as he may deem necessary for practical instruction in the art of teaching;

Accepting
courses in
faculty of
education for
professional
training.

(7) For accepting such courses and examinations of the Faculty of Education of an Ontario University as he may deem adequate for the professional training of first-class teachers and High School assistant teachers.

6 Edw. VII.
c. 52, s. 23,
subs. 1-8
repealed.

4. Subsections 1, 2, 3, 4, 5, 6, 7, and 8 of section 23 of the said Act are repealed and the following subsections substituted therefor:

Duties of
Minister.
Apportionment
of grant for
Urban Schools.

(1) To apportion all sums of money voted by the Legislative Assembly as a general grant for Urban Public and Separate Schools among the several cities, towns and incorporated villages according

ing to the population of each as compared with the population of all the urban municipalities in the Province according to the last annual returns received from municipal clerks.

- (2) To divide the amount so apportioned to each city, town and incorporated village between the Public and Separate Schools therein according to the average number of pupils attending such schools respectively during the next preceding calendar year, or during the number of months which may have elapsed from the establishment of a new Public or Separate School as compared with the whole average number of pupils attending school in the same city, town or village, and to pay the money so apportioned to the Public Schools of each city, town and incorporated village to the municipal treasurer thereof, and the money so apportioned to the Separate Schools direct to the Separate School Trustees concerned on or before the first day of July in each year as the Lieutenant-Governor in Council may direct. Division between Public and Separate Schools.
- (3) Subject to the regulations of the Department of Education, to apportion all sums of money voted by the Legislative Assembly as a general grant for the rural Public and Separate Schools in the organized counties and districts amongst said rural schools in the organized counties and in the districts respectively on the basis of the salaries paid to the teachers, the value of the equipment, the character of the accommodations, the grade of the teachers' professional certificates, and the amount of the assessments. Apportionment of grant for rural schools.
- (4) The grant for the rural Public and Separate Schools in the organized counties shall be payable on or before the first day of August, as the Lieutenant-Governor in Council may direct, to the treasurer of each county, and through him (except when the county treasurer acts as sub-treasurer also) to the various township treasurers of the county, for payment to the respective Boards of Rural Public and Separate School Trustees upon the warrants of the Public or Separate School Inspectors concerned. When grants to rural schools payable.
- (5) Subject to the Regulations of the Department of Education, the grants for the Rural Public and Separate Schools in the districts shall be payable in two instalments direct to the respective boards of trustees as the Lieutenant-Governor in Council may direct; the first instalment on Grants for rural schools to be payable in two instalments.

or before the first day of August, and the second on or before the first day of December.

Apportionment
of grants to
poor schools.

- (6) Under the provisions of such regulations as may be made by the Department of Education, to apportion to Public and Separate School Boards in poor rural districts, and to the residents of lumber, mining, and other settlements all sums of money voted by the Legislative Assembly for teachers' salaries to Public and Separate School Boards in poor rural districts, and for such other school purposes as the Minister of Education may consider expedient.

6 Edw. VII.
c. 52, s. 23,
subs. 10,
repealed.

5. Subsection 10 of section 23 of the said Act is repealed and the following substituted therefor:

Apportionment
of grant made
to Normal
Schools

- (10) Subject to the Regulations of the Department of Education, to apportion out of any grants made by the Legislative Assembly for such purposes, all sums payable under any statute or regulation of the Department in that behalf towards the maintenance of Faculties of Education in any of the Universities, the Normal Schools or other Schools or Institutes for the Training of Teachers, Continuation Classes, Consolidated Schools, Technical Schools, Manual Training Departments, Household Science Departments, Instruction in Agriculture, School Gardens, Kindergartens, Night Schools, Public Libraries, Art Schools, Inspection of Schools, the Examination of Teachers, and all other Incidental Departmental Expenses; also to apportion under the provisions of such regulations as may be made by Order-in-Council all sums of money voted by the Legislative Assembly for aiding Public and Separate School Boards in rural districts to furnish text-books free of cost, and for paying the Public and High School Boards sums in aid of cadet corps, which have been established according to the Regulations of the Department of Education.

6 Edw. VII.
c. 52, s. 23
amended.

6. The said section 23 is amended by inserting therein the following subsection:

Accepting
other qualifica-
tions in lieu of
departmental
examinations.

- 10a. To accept in lieu of the Departmental Examinations such evidence of Academic Scholarship or professional training or experience as he may deem equivalent to what is prescribed for teachers' certificates.

Repeal of in-
consistent
enactments.

7. All Acts and parts of Acts heretofore enacted by the Legislative Assembly of the Province of Ontario, in so far as they are inconsistent with the provisions of this Act, are repealed.

CHAPTER

CHAPTER 51.

An Act to amend The Public Schools Act.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of *The Public Schools Act* is amended by adding thereto the following, as subsection 2: ¹ Edw. VII., c. 39, s. 6, amended.

- (2) Every corporation, society, agent or person having the custody of any child heretofore or hereafter brought into the Province of Ontario, shall be entitled to send such child to the Public or Separate School of the municipality or school section in which the child resides, as if he were the child of a ratepayer in such municipality or school section; and every such corporation, society, agent or person having the custody of such child shall be subject to the Acts respecting truancy and compulsory attendance at school, and to the penalties imposed by such Acts in the same manner and to the same extent as any ratepayer. Right of immigrant children to attend schools.

2. Section 8 of the said Act is amended by adding thereto the following as subsection 7:— ¹ Edw. VII., c. 39, s. 8, amended.

- (7) Where the Board of Trustees of a union school section establishes continuation classes in the union school, or joins with one or more other Boards of Trustees in establishing such classes as hereinbefore provided, the Municipal Council of each municipality having the whole or part of its territory within the union school section shall levy and collect upon the taxable property of such union school section within its jurisdiction, its proper share of the expense of establishing and maintaining the said continuation classes according to the equalized assessment of each portion of the Continuation classes—rate to be levied for
- the

the said union school section in the respective municipalities.

1 Edw. VII.,
c. 39, s. 12,
subsection 5,
amended.

3. Subsection 5 of section 12 of the said Act as amended by section 9 of the Act passed in the sixth year of His Majesty's reign, Chaptered 53, is further amended by striking out the words "the formation of such section" in the sixth line of said section 9 and inserting in lieu thereof the words "time for appealing against the by-law forming such section has expired or after the final disposition of the appeal, if any," and by adding at the end of the said subsection the words "at any time after a Board of Trustees has been elected, they may take the proper steps under the provisions of this Act to raise funds for and purchase a school site and erect school buildings."

1 Edw. VII.,
c. 39, s. 16,
amended.

4. Section 16 of *The Public Schools Act* is amended by adding the following as subsections 2 and 3:—

Trustee resign-
ing, but con-
tinuing to act.

(2) Where after the resignation of a rural school trustee he has continued to act for three months without his right to do so being called in question by proceedings to vacate his seat, or for the holding of a new election, he shall be deemed to have continued to be a trustee notwithstanding his resignation, and shall hold office for the residue of the term for which he was elected.

(3) The preceding subsection (2) shall apply retrospectively.

1 Edw. VII.,
c. 39, s. 21,
amended.

5. Section 21 of the said Act is amended by adding at the end thereof the following:

"And the Township Council shall pay to the trustees of
"such rural school section their actual disburse-
"ments for the maintenance of their pupils at,
"and the transportation of their pupils to and
"from the school they attend, not exceeding the
"minimum sum required by subsections 2, 3 and
"4 of section 70 of this Act, to be levied, collected
"and applied to teachers' salaries in school sec-
"tions where the schools are maintained.

"The said trustees shall also be entitled to receive such
"share of the legislative and county grants as
"may be determined by the Minister of Educa-
"tion in case the amount received from the
"Township Council is not sufficient to cover the
"said actual disbursements."

1 Edw. VII.,
c. 39, s. 25,
subsection 5,
amended.

6. Subsection 5 of section 25 of the said Act is amended by adding at the end thereof the words:

"and may at any time after their election take the proper steps in accordance with the provisions of this Act, to raise funds for and purchase a school site and erect school buildings."

7. *The Public Schools Act* is further amended by inserting therein the following as section 29a:—

¹ Edw. VII, c. 39 amended.

29a. —(1) Every collector shall, on or before the first day of June in the year following the year in which any school rate becomes due and payable in an unorganized township in a Provisional Judicial District, make a return to the sheriff of the district, showing each lot or parcel assessed, upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrears at the date of such return with the year for which the rates so in arrear were imposed.

Collection of arrears of taxes in unorganized territory.

(2) The sheriff shall enter in the book to be kept by him for that purpose the particulars furnished by the collector as aforesaid.

Sheriff to enter particulars in book.

(3) The collector shall not receive any payments on account of school rates so in arrear after the expiration of two years from the date when the same became due and chargeable, but in the case of payments made before the expiration of the period of two years the collector shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book to be kept by him for the purpose. After the expiration of the said period of two years all such arrears shall be payable to the sheriff and the sheriff shall enter such payment in the book kept by him as aforesaid and shall return the amount so paid to the secretary-treasurer of the Public School Board.

Payments of arrears thereafter.

(4) Whenever it appears from the entries in the book to be kept by the sheriff as aforesaid that any school rate is in arrear for three years from the 31st day of December in the year in which the same became payable the sheriff shall proceed to collect the same by the sale of the lands assessed and the procedure in relation to such sale and the provisions applicable to deeds, the redemption of lands thereafter and deeds to be given to the tax purchasers shall be the same as nearly as possible as in the case of the sale of lands by the sheriff for arrears of taxes in organized municipalities in a Provisional Judicial District.

Sale of land for arrears.

8. Subsection 1 of section 37 of *The Public Schools Act* is amended by adding at the end thereof the following words:

¹ Edw. VII, c. 39, s. 37, subsection 1, amended.

“Unless a suitable school site cannot be obtained at such a distance, and in case of dispute under this subsection as to the location of a school site, the matter shall be referred to the County Judge, whose decision shall be final and shall not be subject to appeal.”

1 Edw. VII.,
c. 39, s. 41,
amended.

9. Section 41 of the said Act is amended by inserting after the word "years" in the fifth line of paragraph 3 of the said section the words:

"except a by-law to consolidate two or more sections for the purpose of providing a central school which shall, unless set aside as aforesaid, remain in force for a period of at least three years," and

By inserting after the word "effect" in the second line of paragraph 3 of section 41, the words "except as herein otherwise provided."

1 Edw. VII.,
c. 39, s. 42,
subsection 3,
amended.

10. Subsection 3 of section 42 of the said Act is amended by inserting the words "except as herein otherwise provided" after the word "effect" in the ninth line.

1 Edw. VII.,
c. 39, s. 42,
amended.

11. Section 42 of the said Act is amended by adding thereto the following as subsection 6:

Appeals as to
alteration of
school
boundaries
in districts.

(6) In any judicial or territorial district the appeal shall be to a Board of three arbitrators, which shall be composed of the Senior District Judge, or some person appointed by him for that purpose, the Public School Inspector and some person appointed by the Township Council. The notice of appeal shall be given to the Clerk of the Township, the Public School Inspector, and the said Senior District Judge. The Township Council at its first meeting after service of such notice upon the Township Clerk, shall appoint an arbitrator to be a member of the said Board, and the Clerk of the Township shall forthwith notify the Public School Inspector of such appointment.

The said Senior District Judge shall, upon receipt of the notice of appeal, notify the Public School Inspector of his willingness to act as arbitrator as aforesaid, or shall appoint some person to act in his stead, and notify the Public School Inspector of such appointment.

When the Board of Arbitrators is complete the Senior District Judge, or his said appointee, shall convene the first meeting of the Board, and shall be chairman thereof. All the provisions of the preceding subsections of this section shall, so far as they are applicable, be binding upon the said Board of Arbitrators and upon all parties concerned.

1 Edw. VII.,
c. 39, s. 45,
6 Edw. VII.
c. 53, s. 29,
amended.

12. Subsection 4 of section 45 of the said Act as enacted by section 29 of the Acts passed in the 6th year of His Majesty's reign, Chaptered 53, is amended by adding the following paragraph:—

Jurisdiction
of County or
District Judge.

"Provided, however, that if such question arises touching
"any arbitration or award to which the County
"or

"or District Judge has been a party, the said summary application shall be heard and determined by the Judge of the adjoining County or District having the largest population according to the last Dominion census."

13. Subsection 10 of section 46 of *The Public Schools Act* is amended by inserting after the word "effect" in the first line the words "except as herein otherwise provided," and by adding at the end of the said subsection the words "but the Trustees may at any time after their election take the proper steps in accordance with the provisions of this Act to raise funds for and purchase a school site and erect school buildings."

¹ Edw. VII.,
c. 39, s. 46,
subs. 10,
amended.

14. Subsection 5 of section 65 of the said Act is amended by adding thereto the following:—

¹ Edw. VII.,
c. 39, s. 65,
subs. 5,
amended.

"In any of the districts, subject to an appeal to the Minister of Education, the Public School Inspector may determine the length of time, which shall not be less than six months, during which a school shall be maintained each year, and it shall be the duty of the trustees to maintain such school during the whole of the time so determined."

15. Section 65 of the said Act is amended by adding thereto the following as paragraphs 14, 15 and 16:

¹ Edw. VII.,
c. 39, s. 65,
amended.

(14) To provide in their discretion and pay for dental and medical inspection of pupils.

Duties and
powers of
Trustees.

(15) To permit the school house and premises to be used for any educational or other lawful purpose which, in their discretion, they think proper, providing the proper conduct of the school is not interfered with.

(16) Subject to the regulations of the Department of Education to establish, conduct and maintain free evening lectures to the citizens at large, and in such case to include in their estimate for the current year the expense thereof which shall be treated as part of the expenses of the school or schools under their charge.

16. Section 68 of the said Act as enacted by section 38 of the Act passed in the sixth year of His Majesty's reign, Chaptered 53, is amended by inserting therein the two following subsections as subsections 2a and 2b:—

"2a. A notice for lands, as aforesaid, may be desisted from at any time before any evidence is taken as to the value of the said lands, before the arbitrators appointed under this section, and in such

such case a new notice may be given with regard to the same or other lands to the same or any other owner, but in such case the School Board or Board of Education giving the notice so desisted from, shall pay to the owner to whom such notice was given, all damages and costs by him incurred in consequence of such notice having been given; provided, however, that the right of desistment shall not be exercised more than once."

"2b. Where the notice provided for in subsection 2 of this section has been registered in the registry office of the urban municipality in which the land is situated, the notice of desistment may be similarly recorded, and such registration shall cancel the notice so recorded and be a notice to all persons whomsoever that the expropriation proceedings under the said first named notice have been desisted from."

1 Edw. VII.,
c. 39, s. 69,
repealed.

17. Section 69 of the said Act is repealed and the following substituted therefor:—

Grant for
encourage-
ment of physi-
cal training.

69. (1) Every Urban School Board shall have power to expend such sums as they may deem expedient in promoting and encouraging gymnastics and other athletic exercises provided such sums shall not exceed two hundred dollars per annum when the annual registered attendance of pupils does not exceed 3,000 and \$50 additional for each additional thousand in attendance.

(2) Such Board may also provide uniforms for classes in military drill.

(3) Where a Board of Education has been established in any city or town, the allowance for games to High Schools and Public Schools may be consolidated, and games for the High Schools and Public Schools held on the same day.

1 Edw. VII. c.
39, s. 71, subs. 1,
amended.

18. Subsection 1 of section 71 of the said Act is amended by adding thereto the following paragraphs:—

Annual
accounts.

"Every Municipal Council shall annually account for
"all monies collected under any rate for Public
"School purposes. In urban municipalities such
"accounts shall be rendered on demand to the
"Board of Education or to the Board of School
"Trustees. In rural municipalities the account
"for each school section shall be rendered on
"demand to the Secretary of the school section.

"In

" In case the Municipal Council at any time has collected
 " from the Public School supporters of any muni-
 " cipality or school section any sum in excess of
 " the sums disbursed on account of the Public
 " School or schools within such municipality or
 " school section, the sum so in excess shall be
 " credited to the Board of Education or the Board
 " of School Trustees on whose account such excess
 " has been collected."

19. Subsections 1, 2, 3, 4, 5 and 6 of section 70 of the said Act, as enacted by section 39 of the Act passed in the 6th year of His Majesty's reign, Chaptered 53 is repealed, and the following substituted therefor:—

- 70 (1) The Municipal Council of every organized county shall levy and collect by an equal rate upon the taxable property of the whole county, (not included in urban municipalities or annexed to any urban municipality for school purposes) according to the equalized assessments of the municipalities as made for the purposes of county rates in the manner provided by this Act and the *Municipal and Assessment Acts*, a sum which shall be equal to at least that portion of the legislative grant which is apportioned by the Minister of Education on the basis of the equipment and accommodations of the rural Schools of the county, and such sums shall be payable to the Trustees of the respective schools receiving such legislative grants in the same proportions as the said grants are apportioned.
- (2) Where the assessed value according to the equalized assessments aforesaid of all the taxable property of the Public School supporters in any township in an organized county, is at least equal to an average assessment of \$30,000 for each Public School section therein the Municipal Council of such township shall, each year, levy and collect by assessment upon the taxable property of the Public School supporters of the whole township (not included in urban municipalities or annexed to any urban municipality for school purposes) in the manner provided by this Act and the *Municipal and Assessment Acts*, the sum of \$300 at least for every Public School where the teacher or principal teacher is engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$300 at least where a teacher or principal teacher is engaged for six months or longer; and the

¹ Edw. VII. c. 39, s. 70, subs. 1, repealed.

Amount to be raised by county for rural schools.

Amount to be raised by townships for teachers' salaries.

the additional sum of at least \$200 for every assistant teacher engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$200 at least for every assistant teacher engaged for 6 months or longer.

- (3) In every organized county where such assessed value, according to the equalized assessment aforesaid is less than an average annual assessment of \$30,000 for each Public School section in any township, and in every organized township in the territorial or judicial districts, whatever its assessments may be, the Municipal Council of such township shall, each year, levy and collect as aforesaid the sum of \$150 at least for every Public School where a teacher or principal teacher is engaged for a whole year exclusive of vacations, and a proportionate amount of said sum of \$150 at least where a teacher or principal teacher is engaged for 6 months or longer; and an additional sum of at least \$100 for every assistant teacher engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$100 at least where such assistant teacher is engaged for 6 months or longer.

- (4) The sums so levied and collected by the council of the township shall be applied exclusively to teachers' salaries.

1 Edw. VII.,
c. 39, s. 70,
subs. 8.,
amended.

20. Subsection 8 of section 70 of *The Public Schools Act* is amended by inserting "and 3" after the figure "2" in the second line of the said subsection 8.

1 Edw. VII.,
c. 39, s. 70,
subs. 9,
amended.

21. Subsection 9 of the said section 70 is amended by inserting after the word "ratepayers" in the fifth line, the words "and out of the legislative grant."

1 Edw. VII.,
c. 39, s. 70,
amended.

22. The said section 70 is amended by adding thereto the following as a new subsection:

Reckoning
number of
principal and
assistant
teachers
in central
schools.

- (3) Where two or more school sections are consolidated for the purpose of providing a central school, all the teachers in the said central school shall, for the purposes of this section, be deemed principal teachers unless their number is greater than the number of sections consolidated, in which case the number of teachers in excess of the number of school sections aforesaid shall, for the purposes of this section, be deemed assistant teachers.

23. Section 73 of *The Public Schools Act* is amended by adding thereto the following subsection:—

1 Edw. VII,
c. 39, s. 73,
amended.

- (2) It shall be the duty of the clerk of every county to furnish the Public School Inspector forthwith on demand with such school statistics in regard to assessments as the Minister of Education may direct.

Clerk to furnish
Inspector with
school
statistics.

24. Subsection 8 of section 80 of the said Act is amended by inserting after the word "disease" in the third line the words "or consumption."

1 Edw. VII.,
c. 39, s. 80,
subs. 3,
amended.

25. Subsection 3 of section 86 of the said Act as enacted by section 46 of the said Act, passed in the 6th year of His Majesty's reign, Chaptered 53, is amended by adding at the end of the said subsection 3 the following paragraph:—

1 Edw. VII.,
c. 39, s. 86,
subs. 3,
amended.

In any county in which any Public School Inspector has charge of less than 140 schools or departments with separate registers the appointment of an additional Inspector shall be subject to the approval of the Lieutenant-Governor in Council.

Approval of
appointment
of additional
Inspector.

26. Subsection 8 of section 86 of *The Public Schools Act*, as enacted by section 47 of the said Act, passed in the 6th year of His Majesty's reign, is amended by inserting before the word "postage" in the ninth line the word "printing."

1 Edw. VII.,
c. 39, s. 86,
subs. 3,
amended.

27. Subsection 6 of section 87 of *The Public Schools Act* is amended by striking out the words "at his discretion" in the first line and substituting therefor the words "subject to the approval of the Minister of Education."

1 Edw. VII
c. 39, s. 87,
amended.

CHAPTER 52.

An Act respecting the Qualifications of
Certain Teachers.*Assented to 20th April, 1907.*

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

Qualification
of teachers in
Roman Catho-
lic Separate
Schools.
Rev. Stat. c.
294.

1. Except as by this Act and by section 36 of *The Separate Schools Act* otherwise provided, all members of Religious and Educational Communities hereafter appointed as teachers in the Roman Catholic Separate Schools shall possess the same qualifications as may be required from time to time in the case of Public School teachers.

Granting per-
manent cer-
tificates to
persons who
have had sev-
en years' ex-
perience in
teaching.

2. On proof satisfactory to the Minister of Education the Department of Education may grant permanent professional certificates, valid in the Roman Catholic Separate Schools, to persons belonging to Religious and Educational Communities who, prior to the first day of July, 1907, have had not less than seven years' experience in teaching, of which at least five years shall have been in Public or Roman Catholic Separate Schools in Ontario; provided that such person shall, on or before the 31st day of December, 1908, have completed to the satisfaction of the Minister of Education, at least one summer session of professional training of at least four weeks' duration, in accordance with the Regulations of the Department of Education.

Proviso.

Third-class
certificates to
persons who
have had three
years' experi-
ence in teach-
ing.

3. On proof satisfactory to the Minister of Education, the Department of Education may grant Third Class Professional Certificates of qualification to persons belonging to Religious and Educational Communities who, prior to the first day of July, 1907, have had not less than three years' experience in teaching in Public or Roman Catholic Separate Schools of Ontario; provided that each such person shall, on or before
the

the 31st day of December, 1909, have passed the academic and professional examinations prescribed for Third Class Professional Certificates, and that each such person shall have completed one summer term of professional training, of at least four weeks' duration, in accordance with the regulations of the Department of Education.

4. On proof satisfactory to the Minister of Education, the Department of Education may grant Second Class Professional Certificates of qualification to persons belonging to Educational and Religious Communities who, prior to the first day of July, 1907, shall have taught at least five years in Public or Roman Catholic Separate Schools of Ontario, provided that each such person shall, on or before the 31st day of December, 1911, have passed the academic and professional examinations prescribed for Second Class Professional Certificates, and shall have completed two summer terms of professional training of at least four weeks each, in accordance with the regulations of the Department of Education.

Second-class certificates may be granted to persons having five years' experience.

Proviso.

5. Except in the cases hereinbefore mentioned, all other members of the Religious and Educational Communities now teaching in Roman Catholic Separate Schools, shall pass the same professional and academic examinations as may be prescribed from time to time for Public School teachers, and shall undergo the same professional training and be granted certificates of qualification on the same terms as Public School teachers, in accordance with the provisions of section 7 of this Act.

Examinations required to be passed by other candidates for certificates.

6. Those persons whose cases are provided for in sections 2, 3 and 4 hereof, who, on or before the first day of July, 1907, shall have submitted the evidence required under the said sections whose professional competency shall have been attested on or before the first day of July, 1907, by the Provincial Inspector who last inspected their teaching, and who shall have signified in writing to the Minister of Education on or before the said date their intention to comply with the requirements in the said sections contained, as the case may be, shall, on the approval of the Minister of Education, be legally qualified teachers for the Roman Catholic Separate Schools until the 31st day of December, 1908, or the 31st day of December, 1909, or the 31st day of December, 1911, as the case may be.

Time within which persons mentioned in sections 2, 3 and 4 must qualify.

7. All persons whose cases are provided for in section 5 of this Act, whose professional competency shall have been attested on or before the first day of July, 1907, by the Provincial Inspector who last inspected their teaching, and who shall have signified in writing to the Minister of Education on or before the said date their intention to comply with the conditions set forth in section 5 of this Act, shall be

Other teachers may continue until time for examination expires.

be legally qualified teachers for the Roman Catholic Separate Schools of Ontario in the case of candidates for third and for second class professional certificates respectively, until the 31st day of December, 1909 and 1911, as the case may be.

Certificates to be granted only to British subjects.

8. No person shall be granted a certificate of qualification as a teacher in a Public or Roman Catholic Separate School under this Act who is not a British subject.

Application of Act to teachers in French and German Schools.

9. The provisions of this Act shall also apply to Public Schools in which either English or French, or English and German are the languages of instruction, as provided for in the regulations of the Department of Education.

CHAPTER 53.

An Act to amend The University Act, 1906.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The University Act, 1907.*" Short title.

2. Section 27 of *The University Act, 1906*, is repealed 6 Edw. VII, c. 55, s. 27, repealed. and the following substituted therefor:

27.—(1) The Board may appoint one of its members to be Appointment of Vice-Chairman. Vice-Chairman, and in case of the absence or illness of the Chairman, or of there being a vacancy in the office of Chairman, the Vice-Chairman shall act for and have all the powers of the Chairman.

(2) In case of the absence or illness of the Chairman, and the Vice-Chairman, the Board may appoint one of its members to act as Chairman *pro tempore* and the member so appointed shall act for and have all the powers of the Chairman.

(3) All acts which lawfully might have been done by the Chairman, when done by the acting Vice-Chairman, or by a Chairman *pro tempore* shall be conclusively deemed to have been lawfully done, and it shall not be necessary to prove that any of the causes mentioned in subsection 1 for the Vice-Chairman acting, or that any of the causes mentioned in subsection 2 for the appointment of a Chairman *pro tempore* in fact existed.

3. Section 39 of the said Act is hereby amended by adding thereto the following as subsection 21: 6 Edw. VII, c. 55, s. 39.

(21) To establish, erect, equip, maintain and conduct Observation Schools. such primary and secondary schools as they may deem requisite for the purpose of practice and observation or otherwise for or in connection with the faculty of education

cation of the University, and to fix and determine the fees to be paid for instruction in such schools.

6 Edw. VII.
c. 55, s. 47
subs. 1
amended.

4. Subsection 1 of section 47 of the said Act is hereby amended by inserting between the word "University" and the word "shall" in the seventh line of the said subsection the words "or for the period of 7 years have occupied the office of President of the University."

Borrowing
powers of
Board.

5. In order to enable the Board to provide for the purchase of such land, and the erection of such buildings as from time to time may be necessary for the purposes of the University and University College, including additions to, improvements of, and equipment for buildings now or hereafter erected, the Board may from time to time borrow such sums, not exceeding in the whole the sum of two million dollars as may be necessary for the purposes aforesaid, and may make and execute such instruments as may be deemed requisite for securing payment of the sums so borrowed, and the interest thereon.

Money borrow-
ed to be a
charge on
property.

6. The sums so borrowed and the interest thereon shall stand and be charged upon all the property vested in, and the revenues and income of the Board, and it shall not be necessary that any formal instrument declaring such charge shall be executed or registered.

Approval of
Lieutenant-
Governor in
Council.

7. The power of borrowing hereby conferred shall not be exercised unless with the approval of the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may prescribe the terms and conditions on which from time to time the power shall be exercised and the money borrowed, and the nature of the securities to be given by the board for the repayment of the money borrowed and of the interest thereon, which may be bonds, debentures, terminable annuities or such other form of security as the Lieutenant-Governor in Council may direct or authorize.

Borrowing
powers exer-
cisable from
time to time,

8. The power of borrowing hereby conferred shall be a continuing one, and shall include the power of reborrowing. Provided always that the amount of the principal money at any time owing shall not exceed in the whole the said sum of two million dollars.

Lieutenant-
Governor in
Council may
guarantee
loans.

9. It shall be lawful for the Lieutenant-Governor in Council for and in the name of the Province of Ontario to guarantee the securities which shall be given by the Board for all sums borrowed by it under the authority of this Act, and the performance by the Board of the stipulations on its part contained in such securities.

10.—(1) The form and manner of the Government ^{Form of guaranty.} guaranty shall be determined by the Lieutenant-Governor in Council and the guaranty shall be signed by the Provincial Treasurer or by such officer or person as shall be designated for that purpose by the Lieutenant-Governor in Council.

(2) Every guaranty which shall be so signed shall be binding on the Province and the purchaser of any security so guaranteed shall not be bound to inquire into the authority of the officer or person signing the guaranty thereof.

CHAPTER 54.

An Act respecting a certain Agreement between the University of Toronto and the Corporation of the City of Toronto.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Settlement
of disputes
between City
and University

1. Subject to the provisions of section 2 of this Act, every dispute as to any of the matters mentioned in paragraph 2 or in clause 1 of paragraph 9 of the agreement, set forth in the Schedule to the Act passed in the fifty-second year of the reign of Her late Majesty Queen Victoria, Chaptered 53, and intituled *An Act validating a certain Agreement between the University of Toronto and the Corporation of the City of Toronto* shall be settled by arbitration in manner provided by *The Arbitration Act*, instead of in the manner provided by the said paragraphs, and except as provided by section 2 of this Act, the proceedings in and in relation to any arbitration under the provisions of the said paragraphs shall be had and taken in accordance with and be covered by the provisions of *The Arbitration Act*.

Rev. Stat.
c. 227, ss. 4—11,
to apply.

2. The provisions of sections 4 to 11 inclusive of *The Municipal Arbitrations Act* shall apply *mutatis mutandis* to every such arbitration and to every award made thereon.

Construction of
provisions of
agreement as to
arbitration.

3. Paragraph 2 and clause 1 of paragraph 9 of the said agreement shall be read as if the provision for arbitration therein contained had been that which is prescribed by this Act.

Reference to a
single arbit-
rator, or to
three arbit-
rators.

4. The reference shall be to a single arbitrator if the parties so agree, and if they do not, then to three arbitrators, one to be chosen by each of the parties, and the third by the two arbitrators so chosen, and the award may be made by a majority of the arbitrators.

CHAPTER 55.

An Act to amend The Act respecting Municipal Sanatoria for Consumptives.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 9 of the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chaptered 57, is amended by striking out all the words after the word "thereof" in the third line of the said section, and by adding thereto the following subsections:—

63 V. c. 57, s. 9.
amended.

(1) The trustees shall have the right and they are hereby empowered to enter upon, take and use all necessary and convenient lands and buildings for the purposes of the trustees, making compensation therefor to the owner, occupier or other person having an interest in the said lands and buildings.

Trustees may
expropriate
lands for
sanatorium.

(2) For the purposes of the preceding subsection the trustees shall have all the powers conferred upon municipal corporations by *The Consolidated Municipal Act, 1903*, as to entering upon, taking and using lands required for the use of such corporations and sections 437 to 465 of the said Act shall *mutatis mutandis* apply to the trustees and to the exercise by them of the powers hereby conferred as if the trustees had been named therein instead of any municipal corporation and as if the chairman of the Board of Trustees had been named therein instead of the clerk of the municipality.

Application of
§ Edw. VII.
c. 19.

CHAPTER 56.

An Act to consolidate certain debts of the Town of Alliston.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Municipal Corporation of the Town of Alliston, has by petition set forth that the total debenture debt of the said Town of Alliston is \$59,206. and that no part of the principal or interest upon the said debt is in arrear; that the total assessment of the said town is \$401,387; that there is due and payable by the said corporation a floating debt amounting to \$3,000 which has been incurred for the most part in the construction of permanent improvements; that to pay the said floating debt, and the sums required to be placed to the credit of the sinking fund account in the years 1907 to 1912 inclusive, with respect to the debentures of the said town falling due in the years 1911 and 1912 would require a rate to be levied which would be unduly oppressive to the ratepayers; and whereas the said municipal corporation has prayed that an Act may be passed to authorize the corporation from time to time to issue debentures payable in twenty-five years from the date of the issue thereof with interest at the rate of four and a half per cent. per annum to an amount not exceeding in the whole \$7,000 for the purpose of paying the said floating debt and to meet the payments required to be made in sinking fund account in respect of the said debentures falling due in the years 1911 and 1912; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Issue of debentures for \$7,000 authorized.

1. The Municipal Corporation of the Town of Alliston made by by-law from time to time provide for the issue of debentures under the corporate seal, signed by the mayor and treasurer for the time being in sums of not less than

\$100

\$100 each, not exceeding in the whole the sum of \$7,000 payable at such places as the corporation may deem expedient.

2. A portion of such debentures shall be made payable in each year for a period not exceeding twenty-five years from the date of the issue thereof, so that the aggregate amount payable for principal and interest in any one year in respect of any debt incurred under this Act shall be equal as nearly as may be to the aggregate amount payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Period of payment of debentures.

3. Coupons may be attached to the said debentures for the payment of interest if the by-law so directs, and the said interest shall be payable yearly or half-yearly and at such rate not exceeding five per centum per annum as the said corporation may direct.

Coupons.

4. The said corporation may for the purposes herein mentioned raise money by way of loan on the said debentures, or sell and dispose of the same as may be deemed expedient.

Hypothecation or sale of debentures.

5. The said debentures and all money arising therefrom to the amount of \$3,000 shall be applied by the said corporation to the payment of the floating debt, the items whereof are set out in Schedule "A" to this Act, and to the amount of \$4,000 in meeting the annual payments falling due on sinking fund account in the years 1907 to 1912, both inclusive, in respect to the debentures falling due in the years 1911 and 1912 as set out in Schedule "B" to this Act.

Application of proceeds of debentures.

6. It shall not be necessary to obtain the assent of the electors of the Town of Alliston to the passing of any by-law or by-laws, which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by *The Consolidated Municipal Act, 1903*, and any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act.

Assent of electors not required.

7. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest, or any

part

Irregularity in form not to invalidate.

part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing debentures, or as to the application of the proceeds thereof.

By-law not to be repealed until debt satisfied.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and interest thereon is fully paid and satisfied.

Special rate.

9. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect to the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate", and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Indebtedness of town not discharged.

10. Except as herein otherwise expressly provided nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Alliston from any indebtedness or liability.

Treasurer to keep proper books of account.

11. It shall be the duty of the treasurer for the time being of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep, and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

Special rate for sinking fund.

12. In case the said corporation shall raise by the issue of debentures under this Act and pay into the credit of the sinking fund account in respect of any of the debentures of the said corporation falling due in 1911 and 1912, the amounts required to be raised and levied on such sinking fund account in any year during the remainder of the terms of such debentures, it shall not be necessary for the Corporation

poration of the Town of Alliston to levy in such year any special rate for payment on account of such sinking fund required to meet the said debentures falling due in the years 1911 and 1912, but the said corporation shall, and is hereby required to levy in each of the said years the amounts necessary for interest on the said debentures.

SCHEDULE "A."

FLOATING DEBT TO BE CONSOLIDATED.

Due and payable by the Town of Alliston, floating debt amounting to \$3,000, made up as follows:—

| | |
|--|---------|
| Sewer piping and plans for sewer | \$400 |
| Sidewalking, not provided for | 1,732 |
| Electric alarm system | 400 |
| Repairs to waterworks | 300 |
| Grading, etc., on streets | 168 |
| | <hr/> |
| | \$3,000 |

SCHEDULE "B."

STATEMENT SHOWING THE TOTAL DEBENTURE DEBT OF THE TOWN OF ALLISTON, JANUARY 15TH, 1907, WITH THE AMOUNTS PAYABLE EACH YEAR FOR INTEREST AND SINKING FUND.

| | |
|---|-------------|
| Waterworks, August 23, 1892, debentures due July 1st, 1922 | \$15,800 00 |
| Annual levy for interest | 632 00 |
| Annual levy for sinking fund | 282 00 |
| Floating debt, June 7th, 1892, consolidated, due December 1st, 1911 | 3,750 00 |
| Levy each year for interest | 168 75 |
| Annual levy for sinking fund | 120 25 |
| Floating debt, consolidated, July 19th, 1892, due December 1st, 1911 | 3,400 00 |
| Annual levy for interest | 170 00 |
| Annual levy for sinking fund | 103 00 |
| Floating debt, consolidated, August 2nd, 1892, due December 1st, 1911 | 7,540 00 |
| Annual levy for interest | 377 00 |
| Annual levy for sinking fund | 228 00 |
| Market Hall, debentures, July 17th, 1893, due December 1st, 1912 | 7,600 00 |
| Annual levy for interest | 380 00 |
| Annual levy for sinking fund | 230 00 |
| Floating debt, consolidated, April 20th, 1895, due April 20th, 1921 | 9,255 00 |
| Annual levy for interest and principal | 832 00 |
| School debentures, Nov. 1st, 1905, due Nov. 1st, 1935... .. | 4,911 00 |
| Annual levy for interest and principal | 289 15 |
| Local improvement debentures, payable in annual instalments for 25 years | 4,450 00 |
| Annual levy for principal and interest | 284 85 |
| Street improvement debentures, payable in annual instalments for 25 years | 2,500 00 |
| Annual levy for principal and interest | 160 00 |
| Total amount of debentures | \$59,206 00 |

CHAPTER 57.

An Act respecting the Assessment and Water Rates
of the Hotel Quinte of the City of Belleville.

Assented to 20th April, 1907.

Preamble.

WHEREAS it is made to appear by the petition of the Corporation of the City of Belleville that the "Hotel Quinte," in the City of Belleville, was destroyed by fire on or about the 3rd day of January, 1907, and the proprietor thereby sustained a large loss of upwards of \$40,000, over and above the insurance carried upon the same; that the Hotel Quinte was built and furnished by several of the public spirited citizens of Belleville for the general benefit of the city in the year 1893, and they personally sustained a large financial loss in so doing; that it is estimated it will cost to rebuild and refurnish the said hotel from \$100,000 to \$120,000, and if the same is to be built this season an immediate start must be made; that if the said hotel is not rebuilt, the lot where it stood will not be assessable at more than \$10,000; that the Corporation of the City of Belleville own and operate the waterworks in the City of Belleville; that a very largely signed petition, comprising all classes of business interests and private citizens and representing fully one-half of the assessed value of the municipality was presented to the municipal council of the corporation, requesting the council to take steps to procure legislation empowering the said council to pass a by-law or by-laws fixing the assessment of the Hotel Quinte at \$10,000, and the water rates at \$100 per annum for fifteen years; that the Corporation of the City of Belleville has prayed that it may be authorized to pass a by-law fixing the assessment of the Hotel Quinte to be rebuilt in the City of Belleville at the sum of ten thousand dollars for a period of fifteen years and to supply the said hotel with water from the city waterworks service at an annual rent or sum of one hundred dollars for a like period; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Municipal Council of the Corporation of the City of Belleville may, notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, or any amendment or consolidation thereof or contained in any other Act, pass a by-law or by-laws fixing the assessment for all purposes excepting school taxes and local improvement rates and assessments of the Hotel Quinte to be rebuilt in the City of Belleville at the sum of \$10,000 for a period of fifteen years.

Authority to
fix assessment
of Hotel Quinte
at \$10,000 for
15 years.

2. The said municipal council may, notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, or any amendment or consolidation thereof or contained in any other Act, pass a by-law or by-laws to supply the said Hotel Quinte with water from the city water-works at an annual rent or sum of \$100, for a period of fifteen years.

Authority to
supply water
to hotel at
\$100 a year for
15 years.

CHAPTER 58.

An Act respecting the Town of Berlin.

Assented to 20th April, 1907.

Preamble

WHEREAS the Municipal Corporation of the Town of Berlin has by petition represented that the Berlin and Waterloo Street Railway Company, otherwise known as the Berlin and Waterloo Street Railway Company, Limited, was incorporated for the purpose of constructing and working a street railway in the two adjoining local municipalities of Berlin and Waterloo, pursuant to *The Street Railway Act, 1883*; that on the 29th day of August, 1886 by by-law number 74, the Corporation of the Town of Waterloo granted to the said company the privileges of constructing and working a street railway in the said town for a period of twenty years; that the Town of Berlin on the 6th day of September, 1886, by by-law No. 355, granted to the said company the privilege of constructing and working a street railway in the said Town of Berlin for a period of twenty years; that the Town of Berlin has the greater number of miles of line within its limits; that the Town of Berlin gave notice in the month of January, 1906, to the said company of their intention to assume the railway, pursuant to section 41, and other sections applicable, of *The Act respecting Street Railways*, R.S.O. 1897, chapter 208; that the said corporation and the company agreed to leave the matter of valuing the railway, and all the real and personal property in connection with the working thereof, to the award of three arbitrators, and by an agreement in writing referred the matter to the award of J. M. Scully, Accountant, of the Town of Waterloo, Edward Morgan, Junior Judge, of the City of Toronto, and their nominee Joseph Jamieson, of the City of Guelph, Junior Judge; that the said arbitrators have made their award, fixing the value of the said railway, and the real and personal property in connection therewith at the sum of \$75,200, and that the notice,
agreement

agreement and award are set forth in full in Schedules 'A,' 'B' and 'C' of this Act; and whereas the said Municipal Corporation has by its said petition prayed for special legislation in respect to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Corporation of the Town of Berlin may, upon payment to the company of the amount of the award referred to in Schedule "C" hereto, (less the sum of \$30,000, for which the company is indebted to bond-holders, and accrued interest thereon to the day of the exercise by the town of the powers in this section contained) take over and enter into possession of the Berlin and Waterloo Street Railway, and all property and effects thereof, both real and personal (except the supplies, tools and office furniture) as set out in the said award. The said town shall also take over and enter into possession of all supplies, tools and office furniture upon paying into the local office of the High Court of Justice at Berlin, such amount as may (on notice to the company) be deemed reasonable by "The Ontario Railway and Municipal Board," and the Board shall as soon as possible thereafter proceed to determine the value of the tools, furniture and office supplies (including freight thereon), in the manner and as set out in the said award, and the town shall pay to the company the amount so determined as the value thereof. The said railway and all the property and effects thereof both real and personal shall remain subject to the payment of the said bonds of \$30,000 and interest, and the town shall pay said bonds as and when they shall fall due and indemnify and save harmless the said company from all liability in respect of such bonds for \$30,000 and interest as aforesaid.

Town authorized to take over property of Street Ry. Co., on complying with certain conditions.

2. The powers conferred upon the Corporation of the said Town of Berlin to borrow money with the consent of the ratepayers, may be exercised by the said corporation; and the said corporation may borrow, after having first obtained the consent of the ratepayers, in conformity with the provisions of *The Consolidated Municipal Act, 1903*, with respect to by-laws for the creation of debts the said sum of \$75,200, together with such further and other sums as may be necessary to acquire the ownership of the Berlin and Waterloo Street Railway, and its property and effects as aforesaid, and the passing of the by-laws, and the issuing of debentures for such purposes shall not be subject

Authority to borrow sufficient sum to pay amount found due.

subject to the limitation of the borrowing powers of the said town, contained in the statute in that behalf made and provided; and the said corporation may from time to time borrow with the consent of the ratepayers whatever further sums of money may be required to manage and operate, extend and improve the said railway.

By-laws for
management
of railway.

3. The said Corporation of the Town of Berlin may pass by-laws for the management, government and control of the said railway, subject to the provisions of *The Ontario Railway Act, 1906*.

Control of
railway may
be under Light
Commissioners

4. The said Corporation of the Town of Berlin may place the care, management and control of the said railway and property used in connection therewith, under the jurisdiction and control of the light commissioners holding office from time to time for the said Town of Berlin, under the provisions of the statutes in that case, made and provided, and may pass all necessary by-laws, and make all necessary regulations to effectively provide for the management of the said railway by the said commissioners, and in the passing of such by-laws, and making such regulations, the said corporation shall authorize and empower the said light commissioners to operate and manage the said railway.

General
powers.

5. And generally the said corporation shall have power and authority to effectively carry into effect, each and every of the above objects.

Agreement and
award ratified
and confirmed.

6. The said agreement and award are hereby ratified and confirmed subject, however, to such variation in the amount of the award as may be made on appeal.

SCHEDULE "A."

TO THE BERLIN AND WATERLOO STREET RAILWAY COMPANY.

You are hereby notified pursuant to Section 41 of *The Street Railway Act*, being chapter 208 of the Revised Statutes of Ontario, 1897, that at the expiration of twenty years from the time of passing of By-law No. 355 of the Corporation of the Town of Berlin, that is to say, on, to wit, the sixth day of September, 1906, the said The Corporation of the Town of Berlin, intend to
assume

assume the ownership of your railway, and all real and personal property in connection with the working thereof, on payment of the value thereof, to be determined by arbitration and generally to exercise in relation thereto, all the powers conferred upon the said Corporation, by the said Section 41, and any other Sections of the said Act, which may be applicable.

That the arbitration may be proceeded with, and the value of the said railway and property determined as provided by the said section, you are hereby notified to submit to the Mayor of the said Corporation, the name of a person whom you desire to be appointed sole arbitrator to determine such value in order that the said Corporation may consider such nomination and either accept the same or submit another name or other names.

Dated this twelfth day of January, A. D. 1906.

THE CORPORATION OF THE TOWN OF BERLIN.

(Signed) A. BRICKER,

Mayor.

(Signed) H. ALETTER,

Clerk.

(Seal).

SCHEDULE "B."

To all to whom these Presents shall come, Greeting:—

Whereas The Berlin and Waterloo Street Railway Company (otherwise called The Berlin and Waterloo Street Railway Company, Limited), was duly incorporated by Letters Patent bearing date the sixth day of August, 1886, in pursuance of the then Acts *The Ontario Joint Stock Companies Letters Patent Act* and *The Street Railway Act, 1883*, and such Company was incorporated for the purpose of constructing and working a street railway in the two adjoining local municipalities of Berlin and Waterloo;

And whereas the Municipal Council of the Town of Berlin passed a By-law Number 355 on the sixth day of September, 1886, authorizing the constructing and operating of the said railway as therein mentioned during the term of twenty years from the passing of the said by-law;

And whereas the said railway was some time thereafter constructed and put into operation and has been regularly operated since as a street railway in the adjoining Towns of Berlin and Waterloo;

And whereas the Corporation of the Town of Berlin gave notice to the said Company in the month of January last pursuant to section 41 of *The Street Railway Act*, being chapter 208 of the Revised Statutes of Ontario, 1897, that at the expiration of twenty years from the time of the passing of the said By-law Number 355, that is to say on the sixth day of September, 1906, the said Corporation intended to assume the ownership of the said railway and all the real and personal property in connection with the working thereof, on payment of the value thereof, to be determined by arbitration, and generally to exercise in relation thereto, all the powers conferred upon the said Corporation by the said section 41 and any other sections of the said Act which may be applicable;

And whereas the said Company and Corporation have been unable to agree upon a single arbitrator to act in the said arbitration, and it has been agreed that there should be three arbitrators

to

to act in the matter of the said arbitration, one to be appointed by each party in difference and the third by the two so chosen; Now know ye that the Corporation of the Town of Berlin hereby appoints John M. Scully, of the Town of Waterloo, in the County of Waterloo, accountant, as an arbitrator to act in the said arbitration, and The Berlin and Waterloo Street Railway Company, Limited, hereby appoints Edward Morgan, of the City of Toronto, in the County of York, Junior Judge, to act as an arbitrator in the matter of the said arbitration; and the said Corporation and Company do hereby agree with each other as follows:—

1. That the said arbitrators so appointed shall choose and appoint a third arbitrator to act with them in the matter of the said arbitration, the award therein to be made by the said three arbitrators or a majority of them.

2. That the provisions of *The Arbitration Act*, Chapter 62 of The Revised Statutes of Ontario, 1897, shall apply to and govern the said arbitration and the proceedings thereon.

3. That there may be an appeal to the High Court from the award made in the said arbitration in the same manner and subject to the same restrictions as in the cases of reference under Order of Court.

4. That the time for the assuming of the ownership of the said railway and of the real and personal property in connection with the working thereof, is hereby extended until the first day of November, 1906, without prejudice to the right of the said Corporation to take over the said railway and property at any earlier time it lawfully can.

In witness whereof the corporate seal of the said Corporation hath been hereunto affixed under the hands of the Mayor and Clerk, and the corporate seal of the said Company hath been hereunto affixed under the hands of its President and Secretary, this twenty-first day of June in the year of our Lord, 1906.

(Sgd.) A. BRICKER,
Mayor.

(Sgd.) H. ALETTER,
Clerk.

(Sgd.) W. H. BREITHAUP,
President.

(Sgd.) ALEXANDER MILLAR,
Secretary.

(Seal).

(Seal).

SCHEDULE "C."

In the matter of the Arbitration between the Corporation of the Town of Berlin and The Berlin and Waterloo Street Railway Company, Limited.

To all to whom these Presents shall come, Greeting:—

Whereas by Indenture of Agreement of Submission annexed hereto, bearing date the twenty-first day of June, A. D. 1906, and made between the above named parties, after reciting as is therein particularly recited and set forth, it was agreed that the undersigned Edward Morgan of the City of Toronto, County Judge, and

John

John M. Scully, of the Town of Waterloo, Accountant, be the arbitrators for the respective parties to act in determining the value of the railway owned by The Berlin and Waterloo Street Railway Company, Limited, and of all the real and personal property in connection with the working thereof. And it was further provided that the arbitrators above named should choose and appoint a third arbitrator to act with them in the matter of the said arbitration, the award to be made by them or a majority of them. It was also provided that the provisions of *The Arbitration Act*, cap. 62 of the Revised Statutes of Ontario, 1897, should apply to and govern the said arbitration and the proceedings thereof.

And whereas we the said Edward Morgan and John M. Scully by writing under our hand endorsed on the said agreement nominated and appointed his Honour Joseph Jamieson, of the City of Guelph, County Judge, as third arbitrator to act with us in the said arbitration;

And whereas we the said arbitrators so appointed have duly taken and subscribed the oath of office as provided by statute and have taken upon us the burden of the said reference;

And whereas the time for making our award under the said submission and under the provisions of *The Arbitration Act* has been from time to time by us in writing endorsed on the said submission enlarged until the first day of January, 1907;

Now know ye that we the said three arbitrators acting together have caused the parties interested to appear before us and having heard under oath all evidence adduced for our consideration by them and having considered all the documentary evidence produced before us and having heard the allegations of counsel for both said parties and having weighed and considered all the evidence and the arguments of counsel, do hereby make and publish this our award of and concerning the matters so referred to us by the said Agreement of Submission to Arbitration in manner following, that is to say:—

We find, award, adjudge and determine the value of the railway of The Berlin and Waterloo Street Railway Company, Limited, and of all the real and personal property in connection with the working thereof to be the sum of seventy-five thousand two hundred dollars (\$75,200.00), which sum is the actual present value of the railway and of the real and personal property in connection with the working thereof, not taking into account or in any way dealing with the bonded debt of the Company, which is a charge upon the property of the Company, and which bonded debt was stated to us to be thirty thousand dollars.

We further find, award and determine that the said railway and the said real and personal property so valued by us consist of and include the railway and all the real and personal property specified or mentioned in the schedule marked "A" hereunto annexed, and that the above mentioned sum so found by us is the value of the said railway and property free and clear and fully and completely discharge of and from all mortgages, debentures, bonds, debts, liens, incumbrances, claims and demands whatsoever, either at law or in equity, of every nature and kind whatsoever.

In arriving at the above value we have valued the railway as being a railway in use and capable of being used and operated as a street railway, and have not allowed anything for the value of any privilege or franchise whatsoever either in the Town of Berlin or in the Town of Waterloo.

It was argued before us on behalf of the Street Railway Company that the mode and principle of valuation should be to ascertain the amount of the present net earning power of the railway and

and to capitalize this amount so as to reach the correct value of the railway and the real and personal property in connection therewith. We have not been able to assent to that contention and have not reached our valuation as above in any way on that basis but have considered only the actual present value.

It was urged on behalf of the Berlin and Waterloo Street Railway Company that if our valuation was upon actual present value, we should add to the amount found by us as such present value, ten per cent. of that value as for compulsory taking. We have not been able to accede to this contention and have not added anything on that account.

It was shewn to us that the Railway Company had on hand supplies of various kinds used by them in the operation of the railway. We have not dealt specifically with that item of personal property, but award and adjudge by consent of the parties that all such property shall be taken over by the Town of Berlin when the railway is taken over by them and be paid for by them at the actual cost price thereof, including freight. And that the said Town of Berlin shall also take over all tools and office furniture and pay for the same at their actual present values.

In the exercise of our discretion as to costs we find, award and adjudge that each party shall pay their own costs of reference and award, and that the Corporation of the Town of Berlin shall pay the arbitrators' fees and disbursements and also the stenographers' fees and charges.

As witness our hands at the Town of Berlin, this twenty-ninth day of December, one thousand nine hundred and six.

| | | |
|--|---|--|
| Signed and published the twenty-ninth day of De- cember, A.D. 1906, by the said Joseph Jamieson, Ed- ward Morgan and John M. Scully, in presence of (Sgd.) H. ALETTER. | } | (Sgd.) JOSEPH JAMIESON. (Sgd.) E. MORGAN. (Sgd.) J. M. SCULLY. |
|--|---|--|

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| Province of Ontario, County of Waterloo, To Wit: | } |
|--|---|

I, Henry Aletter, of the Town of Berlin, in the County of Waterloo, Town Clerk, make oath and say:—

1. That I was personally present and did see the annexed award duly signed and executed by Joseph Jamieson, Edward Morgan and John M. Scully, the three arbitrators therein named, and that the same was so executed at the Town of Berlin, in the County of Waterloo, on Saturday, the twenty-ninth day of December, A. D. 1906. And that I am a subscribing witness to the said signatures.

| | | |
|--|---|-------------------|
| Sworn before me at the Town of Berlin, in the County of Waterloo, this 29th day of December, A. D. 1906. | } | (Sgd) H. ALETTER. |
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(Sgd.) ALEXANDER MILLAR,

A Commissioner in H. C. J.,

in and for said County.

SCHEDULE

SCHEDULE "A."

Five Pages Referred to in the Annexed Award.

All the Railway Tracks of The Berlin and Waterloo Street Railway Company situate in the Towns of Berlin and Waterloo, including Curves, Switches, Cross overs, Turn outs, Tracks into Buildings; as shewn in items hereafter.

(a) All and singular that certain parcel or tract of land situate in the Town of Berlin, containing three-fifths of an acre more or less, being composed of the easterly part of Lot Number Sixteen on the northerly side of and fronting on King Street, of Elias Eby's Survey, as shewn on the registered plan of said Town, and more particularly described as being all of that part of the said lot now lying east of Albert Street.

(b) All and singular that parcel of land in the Town of Waterloo containing by admeasurement one-fifth of an acre more or less, being composed of Lot Number Fourteen on the east side of King Street, between Cedar and Yonge Streets, of Jacob C. and Elias Snider's Survey, according to the registered plan or map of the said Town of Waterloo.

(Sgd.) J. JAMIESON.

(Sgd.) E. MORGAN.

(Sgd.) J. M. SCULLY.

Power Plant.

| Item. | Page. |
|--|-------|
| 1. Engine | 1 |
| 2. Belting | 1 |
| 24" Engine. | |
| 24" Generator. | |
| 16" do | |
| Exciter. | |
| Booster. | |
| Splicing. | |
| 12" Dbl. Leather. | |
| 3. Shafting and Pulleys | 1 |
| 4. Boilers | 2 |
| 5. Boiler Setting | 2 |
| 6. Heating | 2 |
| Valve | 2 |
| Plumbing | 2 |
| 7. Wood Storage Tank | 2 |
| 8. Stokers | 3 |
| 9. Piping | 3 |
| 10. Packing | 3 |
| 1. Westinghouse Generator | 4 |
| 2. Edison Generator | 4 |
| 3. Connecting Cables | 4 |
| 4. Storage Battery, including Switch Board, Booster and Exciter | 5 |

(Sgd.) J. JAMIESON.

(Sgd.) E. MORGAN.

(Sgd.) J. M. SCULLY.

Track.

Item.

- (1) Rails 49.6 T. at \$34.50.
 24.2 T. at 29.00.
 197.71 T. at 29.00.
 18.48 T. at 30.00.
 21.91 T. at 32.00.
 7 T. at 29.00.
- (2) Ties, 7,500 at .50.
 Joints, 1,435 14.7 T. at 29.00.
 Bolts, 5,740.
 Spikes, 32,700, 16,500 lbs. at 3.00.
 Bonds, 1,435 at .35.
 Cross Bonds, 30.
- (3) Excavation.
- (4) Laying, etc.
- (5) 5 Plank Crossings.
 Station Platform.
 Oak Stringers.
- (6) Switches.
- (7) Curves.
 Blocks and Bolts.
- (8) Berlin Crossing.
 Waterloo Crossing.
 Legal Expenses Crossings.
- (9) Track Drains.

(Sgd.) J. JAMIESON.

(Sgd.) E. MORGAN.

(Sgd.) J. M. SCULLY.

Trolley.

Item.

- (1) 270 Poles, 30 ft. at 3.60.
- (2) Painting 262 Poles.
- (3) Omit.
- (4) Trimming 270 at .50.
- (5) Excavating 251 at .50.
- (6) Excavating through sidewalk.
- (7) Erecting 270 at .50.
- (8) Cross Arms, etc.
- (9) Side Blocks, etc.
- (10) Insulators, etc.
- (11) "
- (12) "
- (13) "
- (14) Trolley Wire.
- (15) Feeder Wire.

(Sgd.) J. JAMIESON.

(Sgd.) E. MORGAN.

(Sgd.) J. M. SCULLY.

Equipment

Car No.

List.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7 and 8.
- 9.
- 10.
- 11.
- 12 and 18.
- 14.
- 15.
- 42 and 68.
- Sundries.

(Sgd.) J. JAMIESON.
(Sgd.) E. MORGAN.
(Sgd.) J. M. SCULLY.

CHAPTER 59.

An Act respecting The Municipal Corporation of
the Town of Brampton and the Brampton Public
Library Board.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Municipal Corporation of the Town of Brampton and the Brampton Public Library Board have, by petition, represented that on or about the 31st day of October, A.D. 1853, one John Elliott, in consideration of the sum of £250, did grant unto the Municipal Corporation of the Village of Brampton (now the Corporation of the Town of Brampton) Village Lots 7, 8 and 9 (now in the Town of Brampton) according to a plan made by John Stoughton Dennis, Esquire, P.L.S., and registered in the Registry Office of the County of Peel, upon the special trust and confidence that the same be held by the said municipal corporation and their successors for the sole use of a market and purposes appertaining thereunto, which said sum of £250, the amount of said consideration, was the full value of said lots 7, 8 and 9; and whereas the said municipal corporation, subsequent to the acquiring of said lots, acquired lots 37 and 38 adjoining said lots 7, 8 and 9, which said lots 37 and 38 the said municipal corporation still hold; and whereas the said municipal corporation have attempted at different times to establish a market upon said lands, and all attempts have resulted in failure, the last attempt having been made the year 1893; and whereas the said John Elliott died the first of April, A.D. 1871, and by his will, which was probated on the 18th April, A.D. 1871, he appointed as his executors and trustees his wife, Jane Elliott, his son, Matthew M. Elliott, and Jeremiah P. Cummins, and neither the said John Elliott nor the said executors made at any time any objection to the uses the said municipal corporation was making of the said lots 7, 8 and 9; and whereas By-law 198 of the Municipal Corporation of the Town of Brampton, passed by the Brampton Town Council on the 21st of October, A.D. 1895, it was enacted by the said municipal corporation

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tion that a free public library be established in the said municipality in accordance with the provisions of *The Public Libraries Act*; and whereas Andrew Carnegie, Esquire, has entered into an agreement with the Brampton Public Library Board to donate the sum of \$10,000 to be used for the erection of a Public Library Building in said town upon the condition that the said Town of Brampton shall contribute annually a sum equal to ten per cent. of said sum of \$10,000; and whereas on April 30th, 1906, the council of said municipal corporation passed a resolution instructing the then Mayor, W. E. Milner, Esquire, on behalf of said municipal corporation to execute a ninety-nine year lease to the Brampton Public Library Board of parts of said lots 7 and 8, said parts of said lots 7 and 8 to have a frontage of 80 feet on Queen Street and a depth of 60 feet on Chapel Street, and which said lease has been executed accordingly and bears date the 7th day of May, A.D. 1906; and whereas on April 30th, 1906, the said municipal council passed a resolution agreeing to pay to the Brampton Public Library Board annually a fixed sum equal to ten per cent. of \$10,000 for the support and maintenance of said library; and whereas the Brampton Public Library Board having obtained the lease as aforesaid, let contracts for the erection of a Public Library Building on said demised lands and have incurred or expended about the sum of \$1,800 in the partial erection of said building and have received from Andrew Carnegie, Esquire, the sum of \$1,800 on account of said sum of \$10,000; and whereas on the 28th December, A.D. 1906, an action was commenced in the High Court of Justice between His Majesty's Attorney-General for the Province of Ontario on the relation of John Henry Boulter, and the said John Henry Boulter on behalf of himself and all other rate-payers of the Town of Brampton—plaintiffs—and the Corporation of the Town of Brampton and the Brampton Public Library Board—defendants—wherein the plaintiff's claim is to set aside said lease made by the Corporation of the Town of Brampton to the Brampton Public Library Board, dated the 7th day of May, 1906, and to restrain the said Public Library Board from taking possession of that part of the market property described therein, or any portion of the said market property, and to set aside and quash all by-laws and resolutions of the Corporation of Brampton with respect to the same, and to restrain the defendants from taking any action thereunder, and to set aside and quash and restrain the defendants from proceeding or taking any action under certain resolutions of the said corporation affecting to accept a gift of \$10,000 for a Public Library on condition of paying to the Public Library annually a fixed sum equal to ten per cent. thereof, and from accepting such gift on any terms, which said action is still pending; and whereas on the 8th day of

October,

October, A.D. 1906, the ratepayers of the Town of Brampton approved of a by-law to raise the sum of \$15,000 for the erection of a music hall in the Town of Brampton; and whereas the Municipal Corporation of the Town of Brampton desire that the said music hall be erected on said lot 8 and part of said lot 9 immediately east of where it is proposed to erect the said Public Library Building upon or near the site where there is now erected a music hall; and whereas the Municipal Corporation of the Town of Brampton and the Brampton Public Library Board have prayed that an Act may be passed confirming and validating the said resolutions and the said lease, and empowering the said municipal corporation to maintain a library as aforesaid; and whereas, subject as hereinafter provided, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lease of certain lands made by town to Public Library Board confirmed.

1. Subject to the provisions of section 6 hereof, the lease purporting to be made between the Municipal Corporation of the Town of Brampton and the Brampton Public Library Board, dated the 7th day of May, A.D. 1906, as set out in Schedule "A" to this Act, is declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction or power in the council of the said municipality to make the said lease and notwithstanding any defect in substance or in form of said lease.

Town authorized to accept \$10,000 from Andrew Carnegie for public library.

2. Subject to the provisions of section 6 hereof, the Municipal Corporation of the Town of Brampton and the Brampton Public Library Board are authorized and empowered to accept from Andrew Carnegie, Esquire, a donation of the sum of \$10,000 to be used by the Brampton Public Library Board for the purpose of erecting a Public Library Building upon the site mentioned in said lease.

Town authorized to pay \$1,000 yearly for maintenance of library.

3. Subject to the provisions of section 6 hereof, after the erection and completion of the contemplated Public Library Building the Municipal Corporation of the Town of Brampton is authorized to appropriate and pay towards the support and maintenance of said library annually a sum equal to ten per cent. of the said sum of \$10,000.

Authority to erect music hall.

4. By-law number 308, intituled "A by-law to raise the sum of fifteen thousand dollars for the purpose of erecting a Music Hall in the Town of Brampton, and to authorize the issue of debentures therefor," set out in full in Schedule "B" hereto, is hereby confirmed and declared to

be

be legal, valid and binding on the said corporation, and the ratepayers thereof, and it shall be lawful for the said Municipal Corporation of the Town of Brampton to erect the said Music Hall upon that part of said Lot 8 not included in the said Lease to the Public Library Board, and on said Lot 9 adjoining said Lot 8.

5. The parcel of land and premises belonging to the Town of Brampton, consisting of lots seven (7), eight (8) and nine (9), according to said plan made by J. S. Dennis, is hereby declared to be freed from the expressed trust contained in the conveyance of the said lands to said town, whereby it is declared that such lands are so conveyed for market purposes only, and said trust is hereby extinguished.

Certain lands freed from trust for market purposes.

6.—(1) This Act shall not, nor shall any part thereof, come into force or take effect unless and until a majority actually voting of the ratepayers entitled to vote on money by-laws shall have approved thereof, upon the same being submitted to them as hereinafter mentioned, but the same may be approved in part and rejected as to the remainder, in which event the part approved of as aforesaid shall forthwith thereafter come into force and take effect.

Act not to come into force until approval of ratepayers obtained to certain questions.

(2) The questions to be submitted to the ratepayers for their approval as aforesaid shall be as follows:—

(a) As to sections 1, 2 and 3—“Are you in favour of the construction and maintenance of a Carnegie Library Building according to the provisions of the Act passed by the Legislature.”

(b) As to sections 4 and 5—“Should lots 7, 8 and 9 be freed from the trust for market purposes, contained in the conveyance thereof.”

(3) If said question (a) should be answered in the negative, it shall not be lawful for the Council or the Library Board to accept the gift from said Andrew Carnegie, or to proceed with the construction of such Library Building, unless or until the same shall have been approved by the ratepayers upon being again submitted to them for re-consideration.

(4) If either of said questions should be answered in the affirmative, the said corporation shall pay to the said John Henry Boulter the costs incurred by him as between solicitor and client up to the 14th day of March, 1907, including a counsel fee for opposing the application for this Act.

(5) The said questions shall be submitted to the ratepayers on or before the first day of June, 1907, and in the meantime no further proceedings shall be had or taken in the said action now pending.

SCHEDULE "A."

This Indenture made in duplicate the 7th day of May, A.D. 1906, in pursuance of the Act respecting Short Forms of Leases, between the Municipal Corporation of the Town of Brampton, hereinafter called the Lessors, of the first part, and the Brampton Public Library Board, hereinafter called the Lessees, of the second part.

Witnesseth that in consideration of the rents, covenants and agreements hereinafter reserved and contained on the part of the Lessees to be paid, observed and performed, the Lessors do hereby demise and lease unto the Lessees all that certain parcel of land situate, lying and being in the Town of Brampton, in the County of Peel, in the Province of Ontario, being composed of parts of town lots seven and eight in the said Town of Brampton, and being composed of part of lot number five in the first concession east of Hurontario Street in the Township of Chinguacousy (now in the Town of Brampton) according to a plan of the said town executed by John Stoughton Dennis, Provincial Land Surveyor, in July, One thousand eight hundred and fifty, and registered pursuant to the Statute in the Registry Office in the County of Peel, which said parts of said lots seven and eight may be more particularly known and described as follows:

Commencing at the north west corner of said lot number seven, thence easterly along the southerly limit of Queen Street east for a distance of eighty feet to a point, thence southerly parallel with the easterly limit of Chapel Street for a distance of sixty feet to a point, thence westerly parallel to the southerly limit of said Queen Street east to the easterly limit of Chapel Street, thence northerly along the easterly limit of Chapel Street to the place of beginning.

To have and to hold the said premises for the term of ninety-nine years from the seventh day of May, One thousand nine hundred and six, paying therefor yearly and every year during the said term hereby granted unto the Lessors the sum of one dollar in each year during the said term, the first payment to be made on the seventh day of May, A.D. 1907, and so on for each succeeding year during the remainder of the said term.

Provided always that the Lessees shall not place, leave or permit or suffer to be placed or left by their servants or agents any boxes, cases, barrels, debris or refuse upon the said premises.

And the Lessees for themselves, their successors and assigns hereby covenant and agree that they will use the said premises for the purposes of a Public Library, and for the purposes connected therewith and for no other purpose.

That they will pay rent, and that they will not sub-let without leave: Proviso for re-entry by the said Lessors on non-payment of rent (whether lawfully demanded or not), or non-performance of covenants (or seizure or forfeiture of the said term) for any reason whatsoever. The said Lessors covenant with the said Lessees for quiet enjoyment.

If the rent reserved or any part thereof be in arrear or unpaid for thirty days next after the same becomes due, whether such rent has been demanded or not, or if there be any default, breach, or non-observance by the Lessees at any time or times in respect of any covenant, proviso, condition or reservation herein contained which on the part of the Lessees ought to be observed or performed, then the Lessors or their agents may enter upon the premises and thereafter have, possess and enjoy them as if this Indenture had not been made; and no acceptance of rent subsequent to any breach or default other than non-payment of rent, nor any condoning

condoning, excusing or overlooking by the Lessors on previous occasions of breaches or defaults similar to that for which re-entry is made shall be taken to operate as a waiver of this condition, nor in any way to defeat or affect the rights of the Lessors hereunder.

And it is hereby agreed that the Lessors on the determination of the term hereby granted or any renewal thereof, may purchase the buildings, erections and improvements then on the lands hereby demised at a price to be determined, in case of dispute, by a single arbitrator, if the parties agree upon one, otherwise to three arbitrators, of whom the Lessors shall appoint one, the Lessees one, and the two arbitrators thus appointed shall appoint the third, and shall have all necessary powers of valuing and appraising such buildings and improvements, and shall appoint a time for payment of the value thereof so ascertained, and the award of such single arbitrator or a majority of such three arbitrators shall be final between the said parties, and the expense of the said arbitration shall be borne equally between the parties hereto.

Provided that if the buildings to be erected by the said Lessors upon the said premises shall at any time during the term hereby agreed upon be destroyed by fire, lightning or tempest so as, in the opinion of the Lessors, to be a total loss, then the rent hereby reserved shall be forthwith payable up to the time of the destruction of the said premises, and the said term shall immediately become forfeited and void and the Lessees shall be relieved of all liability hereunder and the Lessors may forthwith re-enter and take possession of the said premises.

It is hereby declared and agreed that these presents and everything herein contained shall respectively enure to the benefit of and be binding upon the parties hereto, their successors and assigns, respectively.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the presence of,

| | | |
|---|------------------------|--------|
| { | (Sd.) W. E. MILNER, | |
| | Mayor. | |
| | (Sd.) T. J. BLAIN, | |
| | Clerk. | [L.S.] |
| { | (Sd.) W. J. GALBRAITH, | |
| | Chairman. | |
| { | (Sd.) R. N. BURNS, | |
| | Secretary. | [U.S.] |

SCHEDULE "B."

BY-LAW NUMBER 308.

A By-law to raise the sum of fifteen thousand dollars for the purpose of erecting a Music Hall in the Town of Brampton, and to authorize the issue of debentures therefor.

Whereas it is deemed wise and expedient to erect in the Town of Brampton a music hall;

And whereas it is necessary to raise the sum of fifteen thousand dollars for said purpose;

And whereas it will be necessary to issue debentures of the Municipality of the Town of Brampton for the sum of fifteen thousand dollars payable as herein provided;

And

And whereas it will be requisite to raise annually during the term of twenty years by special rate for paying the said debt and interest the sum of \$1,128.30;

And whereas it will be requisite to raise the several sums in each year respectively set forth in the schedule to this By-law;

And whereas the amount of the whole rateable property of the municipality according to the last revised assessment roll amounts to \$1,233,177.00;

And whereas the existing debenture debt of this municipality amounts to \$174,789.67, of which no principal or interest thereon is in arrears;

Therefore the Municipal Council of the Town of Brampton enacts as follows:—

1. It shall be lawful for the Mayor of the said Town of Brampton for the purposes aforesaid to borrow the said sum of fifteen thousand dollars, and to issue debentures of the said Municipality to the amount of fifteen thousand dollars in sums of not less than one hundred dollars, each payable at the end of twenty years from the date on which this by-law takes effect, and to bear interest at a rate not exceeding four and a quarter per cent. per annum, payable yearly in each and every year during the currency of the said debentures payable in the manner for the amounts and at the times set forth in the schedule to this by-law. The said debentures shall be made payable as to principal and interest at the Merchants Bank of Canada, Brampton, Ontario.

2. The said debentures shall be sealed with the seal of the said Corporation and signed by the Mayor and Treasurer thereof, and shall have attached thereto coupons for the payment of interest as aforesaid.

3. For the purpose of providing for the payment of said debentures and interest in addition to all other rates there shall be assessed, raised, levied and collected upon all the rateable property of the said municipality in each year during the currency of the said debentures by special rate a sum sufficient to discharge the several instalments of principal and interest accruing thereon as the said debentures become respectively payable according to the schedule to this by-law.

4. It shall be lawful for the Mayor of the said municipality and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and to cause the same and the interest coupons attached thereto to be signed by the Treasurer of the municipality and the Clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

5. This by-law shall take effect on and from and after the final passing thereof.

6. The votes of the ratepayers of the Municipality shall be taken on the by-law on Monday, the 8th day of October, 1906, by the Deputy Returning Officers who are hereby appointed, commencing at 9 o'clock in the morning and continuing until 5 o'clock in the afternoon at the undermentioned places.

(a) For the East Ward, at the Concert Hall, and T. J. Blain shall be the Deputy Returning Officer.

(b) For the North Ward, at Norval & Jones' shop, and Lockwood Fingland shall be Deputy Returning Officer.

(c)

(c) For the West Ward, Dawson & Co's. warehouse, and Adam Morton shall be Deputy Returning Officer.

(d) For the South Ward, Golding's Block, and W. S. Morphy shall be Deputy Returning Officer.

7. On the 1st day of October, 1906, the Mayor of the said town shall attend at the Council Chamber at 11 o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid, and at the final summing up of the votes by the Clerk on behalf of the persons interested in, and promoting and opposing the passing of this by-law, respectively.

8. The Clerk of the said Corporation shall attend at the Council Chamber on the 9th day of October, 1906, at the hour of 11 o'clock in the forenoon, to sum up the number of votes given for and against this by-law, and if the said by-law shall be carried by the requisite number of votes by the said electors, the same shall be finally considered and passed on the 15th day of October, A. D. 1906, at the hour of 8 o'clock p. m., at the Council Chamber in the said Town of Brampton.

This by-law read a first time the 20th day of August, A. D. 1906.

This by-law read a second time the 4th day of September, A. D. 1906.

The following is the schedule hereinbefore referred to showing the yearly payments of principal and interest during a period of twenty years:—

| Year. | Interest. | Principal | Total. |
|-------|-----------|-----------|-------------|
| 1 | \$637 50 | \$490 80 | \$1,128 30 |
| 2 | 616 64 | 511 66 | 1,128 30 |
| 3 | 594 89 | 533 41 | 1,128 30 |
| 4 | 572 22 | 556 08 | 1,128 30 |
| 5 | 548 59 | 579 71 | 1,128 30 |
| 6 | 523 95 | 604 35 | 1,128 30 |
| 7 | 498 26 | 630 04 | 1,128 30 |
| 8 | 471 49 | 656 81 | 1,128 30 |
| 9 | 443 57 | 684 73 | 1,128 30 |
| 10 | 414 48 | 713 82 | 1 128 30 |
| 11 | 384 13 | 744 17 | 1,128 30 |
| 12 | 352 51 | 775 79 | 1,128 30 |
| 13 | 319 53 | 808 77 | 1,128 30 |
| 14 | 285 16 | 843 14 | 1,128 30 |
| 15 | 249 33 | 878 97 | 1,128 30 |
| 16 | 211 97 | 916 33 | 1,128 30 |
| 17 | 173 03 | 955 27 | 1,128 30 |
| 18 | 132 44 | 995 86 | 1,128 30 |
| 19 | 90 11 | 1,038 19 | 1,128 30 |
| 20 | 46 20 | 1,082 10 | 1,128 30 |
| | | | <hr/> |
| | | | \$15,000 00 |

Read a third time and passed the 15th October, A. D. 1906.

(Sgd.) W. E. MILNER,
Mayor.

(Sgd.) T. J. BLAIN,
Clerk. [L.S.]

CHAPTER 60.

An Act respecting the Town of Cornwall and the
Modern Bedstead Company, Limited.

Assented to 20th April, 1907.

WHEREAS the Municipal Council of the Town of Cornwall has by petition represented that on or about the 31st day of May, A.D. 1906, the Corporation of the Town of Cornwall entered into an agreement with the Modern Bedstead Company (unincorporated) of the City of Sherbrooke, the members of the company being C. H. Nutter, T. W. Fuller and C. H. Fletcher, all of the City of Sherbrooke, under which agreement the Corporation of the Town of Cornwall was to submit to the ratepayers thereof a by-law for the purpose of granting the bonus of \$20,000 to the company to be incorporated under *The Ontario Companies Act* by the said Modern Bedstead Company (unincorporated) upon the terms and conditions set out in the said agreement dated the 31st day of May, A.D. 1906; that one of the terms of the said agreement was that the said bonus should not be paid until \$100,000 of the capital stock of the company to be incorporated had been fully paid up; that another term of the said agreement was that the said company were to begin building operations within three months after the final passing of the by-law to be submitted to the ratepayers; that on the 30th day of June, A.D. 1906, a by-law was submitted to the ratepayers of the said Town of Cornwall to confirm the said agreement and to provide the said sum of \$20,000 to be paid to the said company to be incorporated as a bonus and the said by-law received the approval of the ratepayers entitled to vote thereon, the total number entitled to vote being 802 of whom 601 voted for the by-law and 25 against; that the said by-law was finally passed by the Municipal Council of the Town of Cornwall on the 9th day of July, A.D. 1906, and no application has been made to quash or set aside the said by-law; that the Modern Bedstead Company, Limited, was duly incorporated under *The Ontario Companies Act* by letters patent dated the

the 21st day of September, A.D. 1906, the share capital of the said company being \$150,000, that unforeseen circumstances have arisen which prevented the said company from beginning building operations within the three months from the final passing of the said by-law; that on the 1st day of February, 1907, the Municipal Corporation of the Town of Cornwall passed a By-law numbered 8 of the year 1907 by which the terms of the said agreement dated the 31st day of May, A.D. 1906, were varied (subject to the approval of the Legislative Assembly of the Province of Ontario) so as to provide for the bonus of \$20,000 provided for in the said by-law, finally passed on the 9th day of July, A.D. 1906, and numbered 22, 1906, should be paid to the said Modern Bedstead Company, Limited, when and so soon as \$80,000 of the capital stock of the said the Modern Bedstead Company Limited, shall have been fully paid up and the said company shall have otherwise complied with the terms and conditions of the said agreement and by-law, and that the time of the commencement of the erection of the factory building should be extended to the 1st day of May, A.D. 1907; and whereas the said Corporation of the Town of Cornwall has by the said petition prayed that an Act may be passed to ratify and confirm the said by-law numbered 8, 1907, varying the said agreement and said By-law numbered 22, 1906, and the agreement dated the 31st day of May, 1906, as so varied, copies of which said by-law and agreement are set forth in Schedules "A," "B" and "C" to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 8, of the year 1907, of the Municipal Corporation of the Town of Cornwall as set forth in Schedule "A" to this Act, and By-law No. 22, of the year 1906, of the Municipal Corporation of the Town of Cornwall, and the agreement therein referred to as varied by the said By-law No. 8, 1907, said By-law No. 22 and agreement being set forth as Schedules "B" and "C" to this Act, are ratified and confirmed and declared to be legal and binding upon the Municipal Corporation of the Town of Cornwall and the ratepayers thereof notwithstanding any want of jurisdiction in the said municipality and notwithstanding any defect in substance or in form of the said by-laws and agreement or in the manner of passing the said by-laws.

By-laws Nos. 8 and 22 and agreement between town and Modern Bedstead Co. confirmed.

2. The debentures issued under the said by-laws are declared to be legal, valid and binding upon the said municipal corporation and all acts done by the said municipal corporation

Debentures validated.

corporation under and by virtue of the said by-laws and agreement as varied are declared to be legal, valid and binding upon the said Municipal Corporation of the Town of Cornwall.

SCHEDULE "A."

BY-LAW NO. 8 OF THE TOWN OF CORNWALL FOR THE YEAR 1907.

A By-law to vary the Terms of an Agreement entered into between the Corporation of the Town of Cornwall and the Modern Bedstead Company (Unincorporated) of the City of Sherbrooke, in the Province of Quebec, dated the 31st day of May, 1906.

Whereas the Corporation of the Town of Cornwall did on or about the 31st day of May, 1906, enter into an agreement with the Modern Bedstead Company (Unincorporated), of the said City of Sherbrooke, in the Province of Quebec, by which agreement the said Modern Bedstead Company were to erect a factory for the manufacture of brass and iron bedsteads in the Town of Cornwall;

And whereas a By-law numbered 22, 1906, confirming the said agreement and authorizing the Corporation of the Town of Cornwall to borrow \$20,000.00 for the purpose of granting a bonus of that amount to the joint stock company to be formed, was submitted to the ratepayers of the Town of Cornwall on the 30th day of June, A. D. 1906, and was fully passed by the Corporation of the Town of Cornwall, on the 9th day of July, 1906, the ratepayers having approved thereof;

And whereas it was a term of the said agreement dated the 31st day of May, 1906, that the said bonus should not be paid until a joint stock company for the purpose of manufacturing brass and iron bedsteads and other furniture shall have been incorporated with a capital stock of \$150,000.00, of which \$100,000.00 shall have been fully paid up;

And whereas the Modern Bedstead Company, Limited, was duly incorporated under the *Ontario Companies' Act* by Letters Patent dated the 21st day of September, A. D. 1906, the share capital of the said company being \$150,000.00;

And whereas it has been agreed between the Corporation of the Town of Cornwall and the said Company, that the said bonus shall be paid to the said company when there shall have been fully paid up \$80,000.00 of the capital stock of the said company instead of \$100,000.00 as provided in the said agreement and when all the other terms and conditions of the said agreement shall have been fully performed;

And whereas a further term of the agreement was that the erection of the said factory should be begun within three months from the date of the passing of the said by-law;

And whereas unforeseen circumstances have arisen which prevented the work from going on within the said period of three months, and it has been agreed that the time of the commencement of the said work shall be extended to the 1st day of May, A. D. 1907;

Therefore the Corporation of the Town of Cornwall enacts as follows:—

1. The terms of the said agreement dated the 31st day of May, A. D. 1906, are hereby varied, and the said Corporation of the Town of Cornwall shall pay over to the said Modern Bedstead Company, Limited, the bonus of \$20,000.00 provided for in the said agreement dated the 31st day of May, A. D. 1906, and in the said by-law of the Corporation of the Town of Cornwall finally passed on the 9th day of July, A. D. 1906, and numbered 22, 1906, when and so soon as \$80,000.00 of the capital stock of the said The Modern Bedstead Company, Limited, shall have been fully paid

up

up and the said company have otherwise complied with the terms and conditions of the said agreement and by-law.

2. That the time of commencement of the erection of the factory building of the said The Modern Bedstead Company, Limited, be and the same is hereby extended until the 1st day of May, A. D. 1907.

3. This by-law shall not come into operation or take effect until an Act is passed by the Legislative Assembly of the Province of Ontario, validating and confirming it.

Passed, signed and sealed in open Council, this 1st day of February, 1907.

(Sgd.) A. McCracken,
Mayor.

(Sgd.) GEO. S. JARVIS,
Town Clerk.

(Seal).

SCHEDULE "B."

BY-LAW NUMBER 22 OF THE CORPORATION OF THE TOWN OF CORNWALL, IN THE COUNTY OF STORMONT, AND PROVINCE OF ONTARIO, FOR THE YEAR 1906.

A By-law of the Corporation of the Town of Cornwall to raise the sum of twenty thousand (\$20,000.00) dollars for the purpose of granting a bonus to a joint stock company to be formed by the Modern Bedstead Company (Unincorporated) of the City of Sherbrooke, in the Province of Quebec, composed of C. H. Fletcher, C. H. Nutter and T. W. Fuller, of the City of Sherbrooke, manufacturers of brass and iron bedsteads, as an aid to the said proposed company for the erection and completion of a factory for the manufacture of brass and iron bedsteads and other furniture in the said Town of Cornwall, and to issue debentures of the said Town of Cornwall to the amount of twenty thousand dollars (\$20,000.00) to raise the sum required therefor, and to exempt for a period of ten years the land, building, machinery and plant of the said company to be formed as aforesaid, from all taxes, rates and assessments and other municipal charges, including business tax, but excepting school rates and rates for local improvements.

Whereas the Corporation of the Town of Cornwall, by an Agreement dated the 31st day of May, A. D. 1906, agreed with the Modern Bedstead Company (Unincorporated), of the City of Sherbrooke, in the Province of Quebec, composed of C. H. Fletcher, C. H. Nutter and T. W. Fuller, manufacturers, as trustees for a joint stock company to be formed by them for the manufacture of brass and iron bedsteads and other furniture, in the Town of Cornwall, to grant to the said company a bonus of twenty thousand dollars (\$20,000.00), to be used for the purchase of a site and the erection of a factory building thereon, and to exempt the land, buildings, machinery and plant of the said company to be formed as aforesaid from all taxes, rates, assessments or other municipal charges, including business tax, but excepting school rates and rates for local improvements, for ten years from the time of the payment of the last instalment of the said bonus to the said company;

And whereas the said Modern Bedstead Company agreed that the said company to be formed should make and execute a mortgage to the said Corporation of the Town of Cornwall upon the land, building, machinery and plant of the said company as security for the carrying out of the terms of the said agreement which are therein set forth in detail, and which may be referred to for greater particularity;

And whereas in order to carry out the said agreement with the said Modern Bedstead Company as trustees, and to grant the said
bonus

bonus of twenty thousand dollars (\$20,000.00) to the said company to be formed, it will be necessary to issue debentures of the said Town of Cornwall for the sum of twenty thousand dollars (\$20,000.00), as hereinafter provided, which is the amount of the debt intended to be created by this by-law, the proceeds of the said debentures to be applied to the purpose aforesaid and to no other;

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of twenty years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest of the said debt shall be as nearly as possible equal to the amount so payable in each of the other years of the said period;

And whereas the total amount required by *The Municipal Act* to be raised annually by a special rate for paying the said debt and interest at the rate of four and one-half per cent. per annum as hereinafter provided is fifteen hundred and thirty-seven dollars and fifty-two cents (\$1,537.52);

And whereas the amount of the whole rateable property of the said Town of Cornwall, according to the last revised assessment roll thereof is \$1,993,556.00;

And whereas the amount of the existing debenture debt of the Town of Cornwall, including local improvements is \$281,344.92, whereof no sum either of principal or interest is in arrears;

Therefore the Municipal Council of the Corporation of the Town of Cornwall enacts as follows:—

1. It shall and may be lawful for the Municipal Council of the Corporation of the Town of Cornwall to grant a bonus of twenty thousand dollars (\$20,000.00), to a joint stock company to be formed by the Modern Bedstead Company (Unincorporated), composed of C. H. Fletcher, C. H. Nutter and T. W. Fuller, for the manufacture of brass and iron bedsteads and other furniture in the Town of Cornwall, to purchase a site for and to aid in the erection and equipment of a factory building or buildings for the manufacture of brass and iron bedsteads and other furniture in the said Town of Cornwall, pursuant and subject to the agreement dated the 31st day of May, A. D. 1906, made between the said Modern Bedstead Company (Unincorporated), of the first part and the Corporation of the Town of Cornwall of the second part, and for the purpose of raising the sum of twenty thousand dollars (\$20,000.00) debentures of the said Corporation of the Town of Cornwall, to the amount of twenty thousand dollars (\$20,000.00) aforesaid, in sums of not less than one hundred dollars (\$100.00) each shall be issued after the final passing of this by-law, each of which debentures shall be dated on the date of the issue thereof and shall be payable within twenty years thereafter at the Ontario Bank, in the said Town of Cornwall.

2. Each of the said debentures shall be signed by the Mayor of the said Town of Cornwall, or by some other person authorized by law to sign the same, and by the Treasurer of the Corporation of the said Town of Cornwall, and the Clerk shall attach thereto the corporation seal of the municipality.

3. The said debentures shall bear interest at the rate of four and one-half per cent. per annum, payable yearly at the said bank on the dates and times mentioned therein for payment in each and every year during the currency thereof, and shall be of such amount that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the other years of the said period.

4. During the currency of the said debentures there shall be raised annually by a special rate on all the rateable property of the said Town of Cornwall the sum of \$1,537.52 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.

5. That the land, buildings, plant and machinery of the said company shall be exempt for a period of ten years from the time of the final payment on account of the said bonus of twenty thousand dollars to the said company from all taxes, rates, assessments or other municipal charges, including business tax, but excepting school rates and rates for local improvements.

6. This by-law shall take effect on the 9th day of July, A. D. 1906.

7. The votes of the electors of the said Town of Cornwall entitled to vote thereon shall be taken on this by-law at the following time and places, that is to say: On the 30th day of June, A. D. 1906, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, and by the following deputy returning officers:—

Polling subdivision No. 1, East Ward, at the house occupied by Frank Lalonde, on Lot W 13, on the north side of William Street, by Joseph A. Primeau.

Polling subdivision No. 2, East Ward, at the house occupied by B. Chatelois, Cabman, situate on part Lot No. 2, on the south side of Water Street, by William Smart.

Polling subdivision No. 3, East Ward, at the house of Joseph Marshall, Sr., on part Lot No. 2, on north side of Third Street, by William T. Manson.

Polling subdivision No. 4, Centre Ward, at the house of Adam Annable, on part of Lot No. 9, on the south side of First Street, by James A. Hunter.

Polling subdivision No. 5, Centre Ward, at the house of Mrs. Robt. Clark, fronting on Adolphus Street, being part of Lot No. 7 on the south side of Second Street, by James C. Macfarlane.

Polling subdivision No. 6, Centre Ward, in the building occupied by Peter Lalonde, being part of Lot No. 15, on the south side of Fourth Street, by John Copeland.

Polling subdivision No. 7, Centre Ward, at the house of Walter Crites, situate on part of Lot No. 8, on the south side of Fifth Street by John K. McDonald.

Polling subdivision No. 8, West Ward, in the office of Patrick Denny, situate at the corner of Augustus and Water Streets, on part of Lot No. 19, on the north side of Water Street, by Fred. M. Denny.

Polling subdivision No. 9, West Ward, in the brick building occupied by the Citizens' Band, on part Lot No. 18, on the north side of Second Street, by George A. Stiles.

Polling subdivision No. 10, West Ward, in the room in the rear of the Council Room, in the Town Hall, situate on part Lot No. 16, on the south side of Fourth Street, by George A. Hunter.

Polling subdivision No. 11, West Ward, in the house owned by Walter Barnhart, being part of Lot 19, on the south side of Sixth Street, by John Ridley.

8. On Monday, the 25th day of June, A. D. 1906, the Mayor of the said Town of Cornwall shall attend at the Council Chamber, at ten o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid, and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this by-law respectively.

9. The Clerk of the Council of the said Town of Cornwall, shall attend at his office in the Town Hall, at ten o'clock in the forenoon of Tuesday, the 3rd day of July, A. D. 1906, to sum up the number of votes for and against the by-law.

Read a first time in open Council this 6th day of June, A. D. 1906.

(Sgd.) W. B. CAVANAGH,
Mayor.

(Sgd.) GEO. S. JARVIS,
Clerk.
Read

Read a second time in open Council this 6th day of June, A. D. 1906.

(Sgd.) W. B. CAVANAGH,
Mayor.

(Seal).

(Sgd.) GEO. S. JARVIS,
Clerk.

SCHEDULE "C."

MEMORANDUM OF AGREEMENT, made this 31st day of May nineteen hundred and six, between the Modern Bedstead Company, (Unincorporated), of the City of Sherbrooke, in the Province of Quebec, composed of C. H. Fletcher, C. H. Nutter and T. W. Fuller, of the said City of Sherbrooke, Manufacturers, hereinafter called the Parties of the First Part, and the Corporation of the Town of Cornwall, in the County of Stormont, hereinafter called the Corporation, of the Second Part.

Whereas it has been proposed between the parties hereto that the parties of the first part should organize a joint stock company for the purpose of manufacturing brass and iron bedsteads, bed springs, and other furniture at the Town of Cornwall, and that the said corporation shall grant a bonus and other assistance to the said company upon the terms and conditions hereinafter set forth;

Now this agreement witnesseth: That the parties hereto in consideration of the terms, covenants and agreements hereinafter set forth have agreed, each with the other, as follows:

1. The council of the said corporation shall with as little delay as possible submit to the ratepayers of the said Town of Cornwall entitled to vote thereon a by-law authorizing the issue of debentures for the sum of twenty thousand dollars, which said sum is to be granted by the said corporation to the said company as a bonus, and is to be used by the said parties of the first part or the said company for the purchase of a site within the Town of Cornwall, and for the erection thereon of a building suitable for a factory to be used for the manufacture of brass and iron bedsteads, bed springs, mattresses and other furniture, the said amount to be paid when the said company is fully organized, and when the conditions herein mentioned are fully performed.

2. The said parties of the first part with others to be associated with them will make application for the incorporation of a joint stock company for the purpose of manufacturing brass and iron bedsteads, bed springs, mattresses and other furniture in the Town of Cornwall, and in the event of the said ratepayers of the Town of Cornwall assenting to the said by-law, the said company, when it is formed, shall be entitled to be paid the said bonus when and so soon as the said company shall have become incorporated, with a capital stock of one hundred and fifty thousand dollars, of which at least one hundred thousand dollars shall have been fully paid up, and shall have erected a building suitable for the said purpose in the Town of Cornwall, on a site purchased by the said parties of the first part of the said company at an expense for said site and buildings of twenty thousand dollars, and shall have placed and installed therein a boiler and machinery, at a total expense of said land, buildings, boiler and machinery of not less than forty thousand dollars. The cost of the said site and buildings and boiler and machinery installed therein shall be certified to by the architect in charge of the work, but should his certificate not be acceptable to the corporation, then the cost shall be certified to by two competent persons, one appointed by the municipality of the said corporation, and the other by the parties of the first part or the said company, and in the event of these two being unable to agree, then they shall arrange for the appointment of a third, and the decision of the majority shall be final and binding. The said

buildings, boiler and machinery before mentioned shall at the time of the payment of the said bonus or any part thereof, be free and clear of and from all liens, charges, claims and encumbrances of any and every kind. The said corporation shall grant advances on account of the said bonus to the said parties or the said company, as the work progresses, but such advance shall not be less than five thousand dollars and shall not exceed one-half the amount actually expended by the said company, in the purchase of the said site and erection of the said buildings and installation of machinery therein at the time of the said advance is asked for, and such advance shall not be made should the council of the said corporation not be satisfied with the progress made by the said parties of the first part or the said company, in the erection of the said buildings or the installation of the said machinery.

3. Before being paid the said bonus or any part thereof the said company shall execute a mortgage to the said corporation of the Town of Cornwall on a site and buildings erected thereon, and the boiler and machinery placed therein, containing covenants on the part of the said company, its successors and assigns to the following effect:

2.—(a) That the said company shall during the second year after the completion of the payment to them of the said bonus employ at least one hundred hands for nine months in the year, and shall pay out in wages during said second year at least forty thousand dollars, and after the said second year the said company shall for and during a period of eight years employ an average minimum number of one hundred and twenty-five employees for at least nine months in the year, of whom at least three-quarters shall be males and shall live and be domiciled in the Town of Cornwall, and the said company shall pay annually for wages to the said employees during the said period of eight years the sum of not less than fifty thousand dollars, of which amount not more than five thousand dollars shall be included for management, office staff and travellers' salaries.

(b) That the books of said company shall be at all times open to the inspection of such person or persons as may from time to time be appointed by the resolution of the council to conduct such inspection.

(c) The said mortgage shall be given as security for the performance by the said company of the several conditions herein contained.

(d) The said company shall insure the buildings, boiler and machinery for their full insurance value, with the loss if any, payable to the Corporation of the Town of Cornwall, as its interest may appear, the balance, if any, over and above the amount due to the said Town of Cornwall, being payable to the insured.

4. Provided that the terms of the agreement are carried out by the company the said corporation shall in each year in which they are so carried out, reduce the said mortgage by the sum of two thousand dollars, the first reduction to be made at the end of the first year, and should the company increase its work and the number of hands employed and the amount of wages paid over and above the number and amount agreed upon, it shall be entitled to a further proportionate reduction of said mortgage each year. The company shall have a right at any time to a full and complete discharge of said mortgage upon the payment to the corporation of an unearned portion thereof.

5. The said corporation further agrees to include in the said by-law to be submitted to the ratepayers of the said Town of Cornwall a clause exempting for a period of ten years from the time of the payment of the said bonus to the said company, the said land, buildings, machinery and plant and extension thereof of the said company to be formed as aforesaid, from all taxes, rates of assessment or other municipal charges, including business tax, but excepting school rates and rates for local improvement.

6. It is further agreed between the parties hereto that the corporation shall install two fire hydrants connected with the water system of the Town of Cornwall, on the public street at a suitable distance from the company's factory, so as to give it fire protection, such hydrants to be located by the fire committee of the Town of Cornwall, and during a period of ten years from the payment of the bonus as hereinbefore referred to the said corporation shall supply the said company with water from its water system, for steam, manufacturing purposes and use, in its said buildings, at a fixed meter rate for each one thousand gallons, the same to be at a minimum rate now imposed by the said corporation.

7. It is further agreed by the said parties of the first part that in the event of the by-law which the corporation will submit to the ratepayers being carried, and the said parties of the first part failing within three months thereafter to commence the erection of their building, then they, the said parties of the first part, covenant and agree to reimburse the corporation for all sums of money not exceeding one hundred and fifty dollars, that the said corporation may have paid out in connection with the submitting of said by-law to the electors as security for which the said parties of the first part are to deposit a marked cheque for the said sum of one hundred and fifty dollars with the Clerk of the said corporation, but in the event of the said by-law being defeated, the said corporation shall pay its own expenses, and this agreement shall be at an end.

8. Should the said company when formed be obliged to close down their works at any time or be delayed or interfered with in the performance of conditions herein binding on them by reason of strikes (when the company pays the current rate of wages as paid by manufacturers of brass and iron bedsteads of the same class in Ontario), or by fire, floods or other causes over which they or it have no control, the delay so caused shall not be computed against the said company, and in the event of loss by fire while the said insurance exists in favor of the corporation should the parties of the first part or said company desire to rebuild the buildings and begin to do so within six months after said loss, said corporation shall assist them in so building to the extent of the insurance received by it, and shall apply the said insurance for said purpose, the conditions of this agreement to continue to apply to such new or partially rebuilt factory.

In witness whereof the said parties of the first part have hereunto set their hands and seals and the corporation has affixed its seal and the signature of its Mayor and Clerk.

Signed, sealed and delivered
in the presence of
(Sgd.) J. C. GOGNE.
(Sgd.) JOHN RIDLEY.

THE MODERN BEDSTEAD CO.,
Per (Sgd.) C. H. NUTTER.
(Sgd.) W. B. CAVANAGH,
Mayor.
(Sgd.) GEORGE S. JARVIS,
Town Clerk.

(Seal).

CHAPTER 61.

An Act respecting the Township of Cornwall.

Assented to 20th April, 1907.

WHEREAS the Municipal Corporation of the Town-^{Preamble.}ship of Cornwall has by petition represented that on the 31st day of August A.D. 1906, the said corporation passed local improvement by-laws as follows:—Number 738, to provide for the municipality's share of the cost of construction of a sewer along Sheffield St., Lawrence Ave., Baldwin Ave., across the Montreal Road and along Arthur Street to the Government sewer and known as Gladstone Sewer System, the said municipality's share amounting to \$865 for street intersections, catch-water basins and other adjuncts of the said sewer; number 739 to provide for the ratepayers' share of the cost of the said Gladstone Sewer System amounting to \$4,323, number 740, to provide for the municipality's share of the cost of construction of a sewer from a point on the Montreal Road opposite Edward Street in the Town of Cornwall, thence easterly along the Montreal Road to the side road, thence southerly along the side road to the Government sewer, and known as the Lorneville sewer, the said municipality's share amounting to \$375.27 for street intersections, catch-water basins and other adjuncts of said sewer; number 741, to provide for the ratepayers' share of the cost of construction of the said Lorneville sewer, amounting to \$1,258.48; number 742, consolidating into an issue of \$6,822.25, the various amounts provided for by the said by-laws numbers 738, 739, 740, 741 and providing that the said debentures should be further guaranteed by the Township of Cornwall at large; that the said by-laws were registered in the registry office for the County of Stormont on the 24th day of October, A.D. 1906, and that no application has been made to quash or set aside such by-laws or any of them: that the arrangement and apportionment of the cost of the said sewers is an equitable and just one; and that the debentures to be issued under the said by-laws were to be made payable at the Ontario Bank in the Town of Cornwall

wall, which bank has, since the passing of the said by-laws, suspended payment: and that the said Township of Cornwall has borrowed the money expended in the construction of the said sewers from its bankers upon the ordinary credit of the municipality and in pursuance of *The Consolidated Municipal Act, 1903*; and whereas doubts have arisen as to the legality of the said by-laws; and whereas the said corporation by its petition prays that a special Act may be passed confirming and validating the said by-laws, and declaring that the debentures to be issued thereunder shall be payable at the Sterling Bank in the Town of Cornwall; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos.
738 to 742 of
township of
Cornwall con-
firmed.

1. By-laws numbers 738, 739, 740, 741 and 742 of the Corporation of the said Township of Cornwall, particulars of which are set out in the preamble hereof, and true copies of which have been filed in the office of the Law Clerk of the Legislative Assembly, are ratified and confirmed and declared valid and binding upon the Municipal Corporation of the Township of Cornwall and ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-laws or any of them or to issue the debentures thereunder provided for and notwithstanding any defect in substance and form of the said by-laws or debentures of the Corporation of the Township of Cornwall as authorized and empowered to impose the rates and issue the debentures provided for by the said by-laws and each of them and the debentures to be issued under the said by-laws and each of them are declared legal and binding upon the said municipal corporation.

Place of pay-
ment.

2. The debentures to be issued under the said by-laws shall be made payable at the Sterling Bank in the Town of Cornwall instead of at the Ontario Bank as provided in the said by-laws.

CHAPTER 62.

An Act to confirm By-law No. 750 of the Township of Cornwall.

Assented to 20th April, 1907.

WHEREAS the Municipal Corporation of the Township of Cornwall and the Canadian Colored Cotton Mills, Limited, by their petitions have prayed that an Act may be passed confirming a certain by-law, being By-law Number Seven Hundred and Fifty of the said township and a certain agreement made between the Municipal Corporation of the Township of Cornwall and the Canadian Colored Cotton Mills Company, Limited, which are fully set forth as Schedules "A" and "B" respectively to this Act; and whereas the said by-law was unanimously passed by the Municipal Council of the Township of Cornwall and the said agreement was entered into upon certain conditions which the said Township of Cornwall considered favourable; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to section 2, By-law Number 750 of the Municipal Corporation of the Township of Cornwall, together with the agreement therein referred to, said by-law and agreement being respectively set forth in full in Schedules "A" and "B" to this Act, are hereby confirmed, and declared legal, valid and binding in the same manner and to the same extent as if set out at length, and the provisions thereof enacted in this Act; anything contained in *The Assessment Act* or any other Act to the contrary notwithstanding. By-law No. 750 of Township of Cornwall and agreement confirmed.

2. Notwithstanding anything contained in the said by-law, the real estate, buildings, machinery and property of the said Company shall for school purposes and local improvements be assessed and liable to taxation as though the said by-law had not been passed. Assessment for school purposes and local improvements.

SCHEDULE

SCHEDULE "A."

By-law No. 750 of the corporation of the Township of Cornwall, in the County of Stormont, for the year 1906, for fixing the assessment upon the property of "The Canadian Colored Cotton Mills Company, Limited," situate in the Township of Cornwall upon which the said "The Canadian Colored Cotton Mills Company, Limited," are required to pay municipal and school taxes for a period of ten and twenty years.

Whereas, the corporation of the Township of Cornwall has entered into an agreement bearing even date herewith with "The Canadian Colored Cotton Mills Company, Limited," to fix the assessment on all real estate, buildings, machinery and appliances of "The Canadian Colored Cotton Mills Company, Limited," and on any and all additions to the buildings and plant of "The Canadian Colored Cotton Mills Company, Limited," which may be erected within three years from this date upon the property adjacent to the property now owned by "The Canadian Colored Cotton Mills Company, Limited," and situate in the Township of Cornwall, for a period of twenty years as set out in the said agreement and upon the terms and provisos and conditions in the said agreement contained;

And whereas, it is necessary to authorize the reeve and clerk of the corporation of the Township of Cornwall to execute the said agreement and attach the corporate seal thereto:

Be it therefore enacted, a by-law of the corporation of the Township of Cornwall;

And it is hereby enacted, that the reeve and clerk be and they are hereby authorized and empowered to sign, and seal with the corporate seal of the Township of Cornwall, the said agreement with "The Canadian Colored Cotton Mills Company, Limited," bearing date the 19th day of November, A.D. 1906;

And it is further enacted, that the said agreement with the said "The Canadian Colored Cotton Mills Company, Limited," shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring valid the said agreement, together with this by-law.

Passed in open council, signed and sealed, this day of November, A.D. 1906.

(Sgd.) W. G. BENNETT,

(Seal)

Reeve.

(Sgd.) JOHN MULLEN,

(Seal)

Tp. Clerk.

SCHEDULE "B."

Agreement made this 19th day of November, A.D. 1906, between the corporation of the Township of Cornwall, in the County of Stormont, and Province of Ontario, hereinafter called the corporation of the first part, and The Canadian Colored Cotton Mills Company, Limited, hereinafter called the parties of the second part.

Whereas, the Canadian Colored Cotton Mills Company, Limited, having during the past year erected on property situate in the Township of Cornwall certain buildings to be used in connection with their manufacturing business:

And whereas, the Canadian Colored Cotton Mills Company are now assessed upon the property situate in the Township of Cornwall, for the sum of \$5,700.00;

And whereas, the Canadian Colored Cotton Mills Company, Limited, are desirous of having their assessment fixed on all the property which they now own in the Township of Cornwall at a fixed and definite amount for a period of ten years;

And

And whereas, the Canadian Colored Cotton Mills Company, Limited, are considering the advisability of building large additions to their present plant to be situate in the Township of Cornwall, said additions to cost not less than one hundred thousand dollars;

And whereas, before finally arranging for the erection of these large and valuable additions, they are desirous of understanding their exact position in regard to taxes in the Township of Cornwall;

And whereas, the municipal corporation of the Township of Cornwall have consented to grant complete exemption from municipal taxation and statute labor on all additions, plant and machinery which may be erected within the period of three years from this date, provided said additions, plant and machinery shall cost not less than one hundred thousand dollars.

Now this agreement witnesseth, that the municipality of the corporation of the Township of Cornwall hereby agree to fix the assessment on all real estate, buildings, machinery and property immediately used or connected with the mills of the Canadian Colored Cotton Mills Company, Limited, in the Township of Cornwall at 33 1-3 per cent. on \$30,000, for the period of ten years from the first day of January, A.D. 1907, the municipal and school taxes shall only be collected upon 33 1-3 per cent. of the said value fixed at \$30,000 for a period of ten years from the first day of January, A.D. 1907. and the said property shall be exempt from statute labor for a period of ten years.

And the municipal corporation of the Township of Cornwall, hereby further agree, to exempt the real estate, buildings and machinery and property which may be erected within three years from this date by the Canadian Colored Cotton Mills Company, Limited, from all municipal taxes and statute labor for a period of twenty years, from the date of erection of said buildings, plant and machinery, provided same cost not less than one hundred thousand dollars, subject however to the following conditions:—

That the Canadian Colored Cotton Mills Company, Limited, shall pay school rates upon one-third of the assessable value of said property for the first ten years, and upon one-half of the assessable value of said property for the next ten years.

It is further agreed between the parties hereto, that in the event of the Canadian Colored Cotton Mills Company, Limited, erecting residences for their operatives that such property is not to be exempt from taxation, but shall pay the usual rates to the township.

And it is further agreed between the parties hereto that this agreement shall not come into operation or take effect until an Act is passed by the legislature of the Province of Ontario, ratifying, confirming and declaring valid the same, together with by-law of the municipal corporation authorizing the reeve and clerk of the Township of Cornwall to execute this agreement.

In witness whereof, the reeve and clerk of the corporation of the Township of Cornwall, have hereunto subscribed their hands and affixed the corporate seal, and the said "The Canadian Colored Cotton Mills Company, Limited," have also subscribed their hands and affixed their corporate seal this 19th day of November, A.D. 1906.

(Sgd.) W. G. BENNETT,
Reeve.

(Sgd.) JOHN MULLIN,
Tp. Clerk.

(Sgd.) THE CANADIAN COLORED COTTON MILLS Co.
D. MURRICE.

President.

A. BRUCE,
Sec.-Treas.

(Seal)

CHAPTER 63.

An Act to confirm By-law No. 729 of the Township of Cornwall, and By-law No. 634 of the Township of Charlottenburgh.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Corporation of the Township of Cornwall, in the County of Stormont, has by petition represented that on or about the 21st day of April, A.D. 1902, a petition was filed with the clerk of the Corporation of the Township of Cornwall praying for the deepening, enlarging and otherwise improving a stream in the Township of Cornwall known as the south branch of the River Aux Raisin, and on or about the 25th day of June, A.D. 1902, a further petition signed by the ratepayers interested nearer the outlet of the said stream was filed with the clerk of the said Township, praying that the said River Aux Raisin should be deepened, widened and otherwise improved; and that both of the said petitions were signed by the majority in number of the resident and non-resident persons (exclusive of farmers' sons, not actual owners) as shown by the last revised assessment roll to be the owners of the lands to be benefited within the area described in the said petitions; and that the said petitions were referred by the Council of the Corporation of the Township of Cornwall to Finlay D. McNaughton, Esq., civil engineer, the engineer appointed by the township for that purpose; and that on or about the 20th day of March, A.D. 1905, the said Finlay D. McNaughton filed a report with the clerk of the Township of Cornwall recommending that the said south branch of the River Aux Raisin should be deepened, straightened and otherwise improved, and providing for the cost thereof and making an assessment on the lands and roads of the Township of Cornwall and Charlottenburgh liable to be assessed for the construction of the said work; and that on the 3rd and 4th days of April, A.D. 1905, notices were mailed to all the parties assessed in the Corporation of the Township of Cornwall showing the date of the council meeting at which the said report should be
read

read and considered; and that at a meeting of the Council of the Township of Cornwall held on the 17th day of April, A.D. 1905, the said report was read by the clerk to all the ratepayers in attendance and an opportunity was given to all the persons who had signed the said petition to withdraw therefrom and to those who had not signed the petition, an opportunity was given so to do; and that at the close of the said meeting of the council the said petitions contained the names of the majority of the persons shown as aforesaid to be the owners benefited within the area described, and the Council of the said Township of Cornwall thereupon adopted the said report; and that the said report was served upon the reeve of the Corporation of the Township of Charlottenburgh and the said Township of Charlottenburgh appealed against the said report, said notices of appeal being dated the 11th day of May, A.D. 1905; and that the Council of the Township of Cornwall did by by-law dated the 6th day of September, A.D. 1905, appoint W. H. Magwood, Esq., civil engineer, to be the engineer in charge of the said South Branch Drainage Scheme in the room and stead of F. D. McNaughton, Esq.; and that the said appeal of the Township of Charlottenburgh has been finally settled and disposed of by an order of J. B. Rankin, Esquire, drainage referee, dated the 15th day of January, A.D. 1906, by which order some minor changes were made in the plan of the proposed work, the assessment was slightly varied, the said report as amended was confirmed; and that the said W. H. Magwood amended the said report in accordance with the terms of the said order; and that By-law No. 729 of the Township of Cornwall providing for the construction of the said work was provisionally adopted on the 12th day of February, A.D. 1906, and after the holding of a Court of Revision as provided by *The Municipal Drainage Act*, was finally passed on the 27th day of May, A.D. 1906; and that tenders for the construction of the said work were duly advertised for and the tender of Barrett Bros., of the City of Ottawa, was accepted, their said tender being the lowest; and that the contract has been signed by the reeve and the clerk of the said Township of Cornwall and the said Barrett Bros. for the construction by the latter of the said drainage works; and that the said works have been commenced and a progress estimate has been given for the work done; and that the Corporation of the Township of Charlottenburgh did on the 4th day of August, 1906, finally pass By-law No. 634, subsidiary to said By-law No. 729, authorizing the reeve and treasurer thereof to borrow the proportion of the cost of construction of the said drainage work to be borne by the said Township of Charlottenburgh and that doubts have arisen as to the validity of the said by-laws; and whereas the said Corporation of the Township of Cornwall has by its petition prayed that an Act may be
passed

passed validating and confirming the said by-laws; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 729 of Township of Cornwall confirmed.

1. By-law No. 729 of the Township of Cornwall, 1906, intituled "A By-law to provide for Drainage Work in the Township of Cornwall, in the County of Stormont, and for borrowing on the credit of the Municipality the sum of twenty-one thousand seven hundred and sixteen dollars and eighty-eight cents, the proportion to be contributed by the said municipality for completing the same," finally passed on the 27th day of May, A.D. 1906, adopting the report of Finlay D. McNaughton, Esq., Ontario Land Surveyor, as amended, pursuant to the order of J. B. Rankin, Esq., Drainage Referee, dated the 15th day of January, A.D. 1906, a true copy of which by-law has been fyled in the office of the Law Clerk of the Legislative Assembly, and the report, plans, profile, assessments, and specifications of the said engineer as amended are validated and confirmed.

By-law No. 634 of Township of Charlottenburgh confirmed.

2. By-law No. 634 of the Township of Charlottenburgh, 1906, intituled "A By-law to provide for Drainage Work in the Township of Charlottenburgh, in the County of Glengarry, in a Drainage Scheme affecting the South Branch of the River Aux Raisin, and for borrowing on the credit of the said Municipality the sum of one thousand five hundred and sixty-four dollars and sixty-two cents (\$1,564.62) the proportion to be contributed by the said Municipality towards the cost of the said Drainage Scheme, initiated by the Township of Cornwall," provisionally adopted the 31st day of March, 1906, and finally passed on the 4th day of August, A.D. 1906, a true copy of which by-law has been fyled in the office of the Law Clerk of the Legislative Assembly, is also validated and confirmed.

Debentures valid in hands of purchaser.

3. The debentures issued or to be issued by the said several municipalities under the said by-laws to provide the money for the said drainage work shall be valid in the hands of the purchaser and shall be binding upon the corporation issuing them to the extent of the money actually advanced on the security and interest thereon according to the provisions of the same and the said by-laws shall not be quashed or set aside in any way whatever.

Application of Rev. Stat. c. 226.

4. The provisions of *The Municipal Drainage Act* and amendments thereto so far as they are not inconsistent with this

this Act shall apply to the said drainage work and to the said by-laws and proceedings thereunder.

5. If the by-laws do not provide sufficient funds to complete the said drainage work, or should the said by-laws provide more than sufficient funds for the completion of the said work all proceedings under section 66 of *The Municipal Drainage Act* shall apply and the amended by-law of the said municipalities and the debentures issued thereunder shall be valid and binding on each of the said municipalities.

Application of
Rev. Stat. c.
226, s. 66.

6. The debentures issued by the said Township of Cornwall pursuant to the said By-law No. 729, or pursuant to an amended by-law passed under the provisions of section 66 of *The Municipal Drainage Act* shall be payable at the office of the Royal Bank of Canada in the Town of Cornwall.

Place of pay-
ment of de-
bentures.

CHAPTER 64.

An Act to Incorporate the Village of Courtright.

Assented to 20th April, 1907.

Preamble.

WHEREAS certain ratepayers within the Police Village of Courtright, in the County of Lambton, have by petition set forth that the said Police Village of Courtright was set apart as a police village by by-law of the county council of the County of Lambton in the year 1901, with the following boundaries, being all of lots twenty-five, twenty-six, twenty-seven and twenty-eight on the front concession of the Township of Moore inclusive of all allowances for roads within or between the said lands; that the said village now contains a population of four hundred and eighty souls according to the last enumeration of the assessors; that the petitioners are desirous that the inhabitants of the said village as above described including the south thirty-three and one-third acres of lot twenty-nine in the front concession of the Township of Moore shall be incorporated under the name of "The Corporation of the Village of Courtright" with the powers invested in villages incorporated under the provisions of *The Consolidated Municipal Act, 1903*, and amendments thereto; that it is necessary and in the interests of the inhabitants of the said village that works and improvements should be constructed therein which exceed the powers of police trustees; that owing to the exceptional situation of the said village on a large navigable river marking the boundary line between the Dominion of Canada and the United States of America the police village system is not adapted to the requirements of the community; that the situation of the Police Village of Courtright at the extreme end of a large township makes it difficult to have the municipal affairs administered with sufficient despatch and that it would greatly conduce to the benefit of the said village to be incorporated, and have prayed that an Act may be passed to incorporate the said village; and whereas little opposition has been offered to the granting of the prayer of the said petition and it appears that the petitioners include almost the whole number of the ratepayers of the said

said village; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act, the inhabitants of the said Village of Courtright comprised within the boundaries of the second section of this Act mentioned, shall be and they are hereby constituted a corporation or body politic, separate and apart from the Township of Moore in which the said village is now situated under the name of the Corporation of the Village of Courtright and shall enjoy all such rights, powers and privileges as are now or shall hereafter be conferred upon incorporated villages in the Province of Ontario.

Incorporation
of the Village
of Courtright.

2. The said Village of Courtright shall comprise and consist of the lands within the following boundaries, that is to say: original lots numbers twenty-five, twenty-six, twenty-seven, twenty-eight and the south thirty-three and one-half acres of lot twenty-nine on the front concession of the Township of Moore, in the County of Lambton, inclusive of all allowances for the roads along or between the said lands.

Limits of
village.

3. On such day as may be fixed by proclamation of the Lieutenant-Governor in Council, it shall be lawful for Alexander Gallarno, who is hereby appointed the returning officer, to hold a nomination for the election of reeve and councillors at some prominent place in the said village at the hour of noon and he shall preside at such nomination or in case of his absence the electors present shall choose from among themselves a chairman to officiate who shall have all the powers of returning officer and the polling for the said election in the event of there being a poll required shall be held on the same day of the week in the week next following the said nomination and at the same place and the duties of the returning officer shall be those prescribed by law in respect to incorporated villages.

First election
of council.

4. At the said election, the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships and at all subsequent elections the qualification of electors and of the reeve, councillors and other officers shall be the same as that required in incorporated villages.

Qualification at
first election.

5. The township clerk of the Township of Moore shall furnish to the returning officer upon demand made by him for the same a certified copy of so much of the last revised assessment

Township Clerk
to furnish
assessment
roll, etc.

assessment roll of the said township as may be required to ascertain the persons entitled to vote at such first election, or the collector's roll or any document, writing or statement that may be required for that purpose.

First meeting of council.

6. The reeve and councillors so to be elected shall hold their first meeting at some prominent place in the said village, at the hour of noon on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

Application of provisions of 3, Edward VII, c. 7, and amendments.

7. Save as otherwise provided by this Act the provisions of *The Consolidated Municipal Act, 1903*, and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and the other provisions of the said Acts applicable to incorporated villages, shall apply to the Village of Courtright in the same manner as they would have been applicable had the said Village of Courtright been incorporated under the provisions of the said Acts.

Village separated from township.

8. From and after the passing of this Act the said village shall cease to form part of the Township of Moore, and shall to all intents and purposes, form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Expenses of Incorporation.

9. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required by the clerk of the said village or other officers of the said village, or otherwise shall be borne by the said village and be paid by it to any party that may be entitled thereto.

Representation.

10. The said village shall form part of the electoral district of the west riding of the County of Lambton.

Local Option by-law to be in force.

11. Notwithstanding anything in this Act contained, the Local Option By-law now in force in the said Township of Moore shall continue in force in the said village for at least three years from the passing of the said by-law.

Commencement of Act.

12. This Act shall not come into force or take effect until so declared by proclamation of the Lieutenant-Governor in Council, and the said proclamation shall also fix the day of nomination as mentioned in section 3.

CHAPTER 65.

An Act confirming Tax Sales in the Township of Etobicoke.

Assented to 20th April, 1907.

WHEREAS the Municipal Corporation of the Town-^{Preamble.}ship of Etobicoke has by petition prayed for special legislation confirming tax sales of land, in the Township of Etobicoke, in the County of York, and the tax deeds given in the years up to, and including the year A.D. 1904, and for the purpose of validating the same for the more convenient dealing in the lands so sold; and whereas no objections and no opposition has been offered to the confirmation thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The sales of lands in the Township of Etobicoke, in the County of York, in the Province of Ontario, made in the years up to, and including the year A.D. 1904, for arrears of taxes in respect of the lands so sold, including sales of land which may have been purchased by the Council of the said Township, or by anyone on behalf of the said Council under the provisions of *The Assessment Act*, and all tax deeds issued in pursuance of such sales are confirmed and declared to be and to have been legal, valid and binding to all intents and purposes, notwithstanding any error or irregularity in the said sales or deeds, or in any of the proceedings, including the assessment of the said lands or proceedings to collect the taxes thereon taken prior to the said sales, and the execution of the said deeds respectively.

Tax sales and tax deeds validated to end of 1904.

CHAPTER 66.

An Act to incorporate the City of Fort William
and for Other Purposes.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Municipal Corporation of the Town of Fort William has by petition represented that the said town now has a population of 12,500 inhabitants at least and is rapidly increasing; and whereas the said corporation has prayed for incorporation as a city; and whereas the said corporation has by petition further represented that a large portion of the said town, possessing about one-half of the river harbour frontage, is separated from the railways and the inhabited portion of the town by the Mission, McKellar and Kaministiquia Rivers, and that your petitioners are desirous of being empowered to build bridges over said rivers, suitable for railway and other traffic as well as highway traffic, and to issue debentures of the said corporation extending over a period of 40 years from the date of such issue; and whereas the said corporation by petition has further represented that the validity of the Local Improvement Debenture By-laws of said town numbered 413 to 428, both inclusive, specified in Schedule "A" hereto, and the debentures issued or to be issued thereunder, have been questioned owing to no proper Courts of Revision having been held thereon, and whereas the works done thereunder were properly undertaken and completed during the years 1901 to 1905, and assessments and collections on account of the ratepayers' share thereof have been made without any complaint, and that by-laws numbered 434 and 443, set out in Schedules "B" and "C" hereto, were duly published according to law with the estimates of the expenditure intended thereby, and whereas the said by-laws were duly submitted to the ratepayers entitled to vote thereon, and out of 1,440 ratepayers entitled to vote thereon, the following was the result, namely, By-law No. 434, 311 votes in favour of, and 11 votes against, and By-law No. 443, 563 votes in favour of, and 255

28a s.

votes

votes against; and whereas all of the said by-laws have been duly passed by the said corporation, and forthwith thereafter were registered in the Registry Office for the District of Thunder Bay; and whereas no application has been made to quash or set aside the said by-laws, or any of them and there is no action pending wherein the validity of any of such by-laws is or can be called in question; and whereas the said corporation has by petition further represented that owing to the rapid growth of the town, it has become necessary to reconstruct and enlarge all the sewer outlets in said town, and also to construct a great many new sewers, and whereas in a great many cases no new frontage assessment can be made as the old assessment has not yet run out, and whereas the said town desires the right to levy a fixed frontage assessment per foot frontage of all property in front of which a sewer is constructed, or to which a sewer is connected; and whereas in the interest of the public health of said town, the said town has undertaken the construction of a large number of such new sewer outlets, and other sewers in the said town, and desires a confirmation of such work; and whereas in the interests of public health it is essential that all erections should be connected with a sewer and many property owners are not able to pay for the same in cash, and therefore your petitioners desire the special legislation hereinafter set forth in respect thereof; and whereas the total value of all property within the said town, according to the last revised assessment roll, amounts to \$8,784,996, of which \$2,542,850 is totally exempt, and \$959,315 is liable to taxation for school purposes only, leaving a total of \$5,282,931 liable for taxation for all purposes; and whereas the existing debenture debt of the said town, exclusive of local improvement debentures, is \$562,541.53; and whereas the said corporation has by petition prayed for special legislation in respect of the above, and the other matters hereinafter set forth; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act, The Corporation of the Town of Fort William shall be constituted a corporation under the name of "The Corporation of the City of Fort William," and the said corporation shall enjoy and possess all the rights, powers and privileges of a city incorporated under *The Municipal Act*, as well as all the rights, powers and privileges heretofore possessed by The Corporation of the Town of Fort William.

City of Fort
William incor-
porated.

2. The City of Fort William shall be divided into four wards to be called respectively Ward Number One, Ward Number Two, Ward Number Three and Ward Number Four

Four, which said wards shall be respectively composed and bounded as heretofore in the Town of Fort William.

Composition of Council.

3. The council of the said city shall consist of a mayor, who shall be the head thereof, and two aldermen for each ward thereof.

Present mayor and council to hold office until election of successors.

4.—(1) Notwithstanding anything herein contained, the mayor and council of the said town shall be and continue to be the mayor and council of the said city, and shall hold office as such until the regular municipal elections for the year 1908 are held as provided for in the case of a City under *The Municipal Act* and until their successors are elected; and they shall exercise and enjoy all the rights, powers, privileges and immunities and perform all the duties pertaining to the office of mayor and aldermen of a city; and in the event of the death, resignation or disqualification of the said mayor, or any member of the said council, a new election shall be held to fill the vacancy thus created under and pursuant to the provisions of *The Municipal Act*, and the Board of Water and Light Commissioners in and of the said town shall be the Board of Water and Light Commissioners of the said City of Fort William, with like duties and authority and for a like term of office as they now respectively have as Commissioners aforesaid for the said town.

Assets and obligations of town to be transferred to city.

5. The said The Corporation of the City of Fort William shall in all matters whatsoever stand and be in the place, and stead of the said The Corporation of the Town of Fort William, and all property of every kind and all rights, interests, assets and effects, taxes, rates, dues, revenues, obligations and income now belonging to or accruing due to, or which may be assessed or levied for by the said town, shall pass, belong to and be the rights, property, assets, effects, taxes, revenues and obligations of the said City of Fort William; and in the assessment for, and collection of, all the aforesaid property and revenues of every kind, the said The Corporation of the City of Fort William shall have as full power in its name to assess for, demand, collect and receive the same as the said The Corporation of the Town of Fort William would have had if this Act had not been passed; and the said city shall assume and hereby assumes all bills, debts, debentures, and liabilities of any and every kind now due, or contracted, or accruing due, or for which the said town corporation, but for the passing of this Act would be liable, and the same shall and may be collected and sued for, from and against the said city corporation in precisely the same manner, except in the change of the name, as against the said town corporation; and all acts, matters and things whatsoever which might be lawfully done by the said Corporation of the Town of Fort William shall.

and

and may be done by the said The Corporation of the City of Fort William, and all matters begun or initiated by the said town corporation may be completed by the said city corporation, the meaning and intention hereof being that in all matters and things, the said city corporation shall be and stand in the place of the said town corporation.

6. The officers and servants of the said town, shall, until superseded in or removed from office by the council of the said city, remain the officers and servants of the said city. Present officers and servants to be continued.

7. Except as otherwise provided by this Act, the provisions of *The Municipal Act*, and of any Act amending the same with regard to matters consequent upon the formation of new corporations shall apply to the said City of Fort William in the same manner, and to the same extent as if the said town had been erected into a city under the provisions of the said Act. Application of 3 Edw. VII., c. 19.

8. The last revised Assessment Roll and Voters' List of the said town shall be taken to be the Assessment Roll and Voters' List respectively of the said city to the same extent as if the same had been made by the said city. Assessment roll and voters' lists.

9. All by-laws and municipal regulations, except so far as they are inconsistent herewith, which are in force in the Town of Fort William shall continue, and be in force as if they had been passed by the Corporation of the City of Fort William, and shall extend to, and have full effect within the limits of the city hereby incorporated until repealed by the new corporation. By-laws of town to apply to city.

10. All provisions of law relating to the Town of Fort William and not inconsistent with this Act, shall apply to the City of Fort William and the land within the limits of the said city. Application of statute-law.

11.—(1) Subject as hereinafter provided, the said corporation is hereby empowered to build one or more bridges over the Kaministiquia, Mission and McKellar Rivers, suitable for railway, highway and all other traffic, with the right to lease to any person, party or corporation the running rights over the railway tracks on the said bridge or bridges and the approaches thereto upon such terms as the said corporation deems fit, and also with the right to charge and collect tolls from any person, party or corporation desiring to use the said railway tracks on the said bridge or bridges and the approaches thereto for the passage of trains or cars, but such tolls shall first be approved of by The Ontario Railway and Municipal Board and may be revised by such Board from time to time. Authority to build certain bridges.

(2) The tolls to be charged by the said corporation shall be according to a uniform scale of tolls, and all railways desiring to use the said railway tracks on the said bridge or bridges and the approaches thereto shall be charged according to such scale without any discrimination or preference.

(3) The said corporation shall, on or before the first day of July, 1907, submit to the duly qualified ratepayers in the manner prescribed by *The Consolidated Municipal Act, 1903*, and amendments thereto, a by-law authorizing the borrowing of a sufficient sum by the issue of debentures, payable within forty years from the date of the issue thereof, to pay for the cost of construction of such bridge or bridges and the approaches thereto, and in case the approval of the ratepayers is obtained to the said by-law the said corporation shall further, on or before the first day of January, 1908, enter into a contract or contracts with some person, firm or corporation for the construction of said bridge or bridges and the approaches thereto.

(4) In case the approval of the ratepayers is not obtained to the said by-law or in case the approval of the ratepayers should be obtained but the said corporation should fail to enter into the said contract or contracts, then, and in either case, all the rights, powers and privileges conferred by this section shall forthwith cease and determine and be of no further force or effect.

Certain by-laws confirmed.

12.—(1) The by-laws numbers 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, and 428 of the Corporation of the Town of Fort William specified in Schedule "A" hereto, and all debentures issued, or to be issued thereunder and all assessments made, or to be made, for the payment thereof are hereby ratified and confirmed.

(2) The by-laws numbers 434 and 443 of the Corporation of the Town of Fort William set out in full in Schedules "B" and "C" hereto, and all debentures issued, or to be issued thereunder, and all assessments made or to be made and all rates levied or to be levied for the payment thereof, are hereby ratified and confirmed.

Construction of sewers.

13. It shall and may be lawful for the committee having charge of sewers, under the sanction and by the direction of the Council of the Corporation of the City of Fort William, to construct common sewers in such streets, lanes, highways and public places of the said City of Fort William, and through private property in the said city, as they may deem necessary when required for sanitary purposes, or by a properly signed petition, or on the initiative under the local improvement clauses of *The Municipal Act*, provided always that such street, lane or highway or portion thereof be so situated as to afford a proper and sufficient outlet for such sewers.

14. All private sewers to be constructed, to communicate with the said common sewers, shall be of such arrangement, form, material and construction, and communicate with the said common sewers in such a manner, and at such parts thereof, and under such rules and regulations as the council, and the corporation's engineer may from time to time prescribe, and no person, firm or corporation shall make any openings to uncover any public sewer or house sewer, or make any connection therewith, unless by permission of such engineer or committee having charge of sewers, and it shall be the duty of any person who may construct any such drain or sewer, while excavating, to securely protect the opening, as may be directed by the engineer.

Private
sewers.

15. No open gutter, cess pool, privy vault, cellar, underground drain, or exhaust pipe from any steam engine, shall be connected with any sewer.

Gutters, cess-
pools, etc.,
not to be
connected
with sewers.

16. No pipe carrying sewage or roof water shall discharge alongside of any drain, or into any sewer trench. Cellar and subsoil drains shall have their outlets by the side of the public drain pipes, but no opening shall be made therein.

Sewage pipes
and cellar
drains.

17. No person, firm or corporation shall injure, break or remove any portion of the sewer system or its appurtenances, or throw, or deposit, or cause to be thrown or deposited in any sewer opening or receptacle connected with the sewer system, any garbage, offal, dead animals, vegetable parings, ashes, cinders, rags, or any other matter or thing, except faeces, urine, the necessary water closet paper, liquid house slops and roof water.

Injury to
sewer system
and deposit
of garbage,
etc., in sewer
openings
prohibited.

18. The engineer or committee having charge of sewers shall have the power to stop and prevent from discharging into the sewer system any private sewer or drain through which substances are discharged, which are liable to injure the sewers or obstruct the flow of the sewage.

Power of
engineer to
stop private
sewers from
discharging
into sewage
system.

19. The committee having charge of sewers may make rules governing the construction of house sewers and drains and may from time to time alter the same.

Rules
governing
house sewers.

20. Every owner of property which is drained into any common sewer, and every owner of property in front of which a sewer is constructed as a local improvement, shall pay a uniform frontage tax of 11 cents per annum per foot frontage of the property so drained, to be assessed on each assessable foot of frontage property so drained for a period of twenty-five years, and the said tax shall be levied and collected

Uniform front
age tax of 11
cents per foot.

collected in the same manner, and at the same time as ordinary taxes in the said city, but the city treasurer may commute and accept payment down of the amounts.

Assessment
of persons
desiring con-
nection with
sewer not
fronting on
property.

21. Any person or persons desirous of connecting his or their premises with any common sewer, or of connecting it with any sewer for which the property has not been assessed, shall be assessed the same frontage tax as if the sewer were constructed in front of said property, and payments shall be made at the same time and in the same manner, and for a like number of years, as the payments along the sewer constructed.

Exemption
from further
assessment
for sewers in
front of
property.

22. Any property thus assessed for the privilege of connecting with any sewer shall be exempt from any assessment for any sewer construction on the street in front of such property.

Collection of
payments.

23. The payments aforesaid shall be put on the collector's roll and levied and collected in the same manner and at the same time as the other city taxes against and on the said respective properties.

Assessment of
corner lots.

24. Corner lots shall be assessed for sewers constructed as local improvements in the following manner:—

- (a) Every corner lot shall be entitled to the exemption of one-half the total frontage on the two streets, not exceeding one hundred feet total exemption, except as hereinafter mentioned in Clauses "b" and "c."
- (b) In cases where corner lots are built upon more than one side of the lot, each separate owner or tenement shall pay a frontage assessment, as in section 20, whether such tenement be on the front or side of the lot, but no such tenement shall pay for more than one street frontage.
- (c) If a corner lot is a triangular or irregular shaped piece of land or otherwise so situated as to make portions of the same unfit for building purposes, such allowance shall be made, having due regard to the situation, value and superficial area of such lot as compared with the adjoining lots or pieces of land, as the city engineer may deem just and equitable.

Payment
of city's
proportion.

25. The cost of any sewer in excess of the total amount which may be assessed on abutting properties or other properties to which a sewer is connected as aforesaid shall be borne by the city; and the council of the said corporation is hereby authorized and empowered to pass a by-law

law or by-laws, without obtaining the assent of the rate-payers thereto, authorizing the issuing of debentures therefor, payable within twenty-five years from the date thereof and bearing interest at such rate as the said council may in and by such by-laws respectively determine.

26. The council of the said city is hereby empowered and authorized to put in all private sewer connections in their entirety and to charge therefor in each year of construction a uniform rate per foot per annum for such connection, and to charge the cost thereof to the owners of the respective properties to which such sewer connections are made; and the said council is further hereby authorized and empowered to spread such cost with the estimated interest thereon over a period of five years, and such cost thereof and interest shall form a charge upon the lands and property being so connected and may be levied and assessed against and upon the lands and property to which such connection is made, and placed upon the collector's roll against the same and collected as ordinary taxes; provided however, that such charge may be commuted at any time. The length of all such private sewer connections shall be calculated from the centre of the street upon which is situated the sewer to which connection is being made.

Construction of private sewer connections by city.

27. All the General Local Improvement Laws from time to time in force in respect to Local Improvements under *The Municipal Act* or otherwise shall apply to said city, except so far as the same may be inconsistent with the provisions hereof.

Application of local improvements clauses 3, Edw. VII., c. 19.

28. Any person convicted of a breach of any of the provisions of sections 14 to 17 of this Act, shall forfeit and pay at the discretion of the convicting magistrate, a penalty not exceeding the sum of fifty dollars for each offence, exclusive of costs, and in default of payment of said penalty and costs forthwith, the said penalty and costs, or costs only, may be levied by distress and sale of the goods and chattels of the offender, and in case of there being no sufficient distress found, out of which such penalty can be levied the convicting magistrate may commit the offender to the common gaol for the District of Thunder Bay, with or without hard labour, for any period not exceeding six calendar months, unless the said penalty and costs be sooner paid.

Penalties.

29. The provisions of sections 13 to 28, both inclusive, of this Act shall be deemed to have been in force since the first day of January, 1905, and shall apply to all sewers undertaken or constructed after that date; and all sewers undertaken by the said town since the 1st day of January, 1905, are hereby declared to have been properly and legally undertaken.

Sections 13 to 28 to be retro-active.

Issue of debentures to pay of part cost certain sewer outlets.

30.—(1) The council of the said corporation is hereby authorized and empowered to pass a by-law, without obtaining the assent of the ratepayers thereto, authorizing the issue of debentures of the said corporation payable within twenty years from the date thereof and bearing interest at four and one-half per cent. per annum for an amount sufficient to commute, take up and discharge the present uncollected ratepayers' share of the cost of the following sewer outlets in the said city constructed prior to the first day of January, 1906, namely: Victoria Avenue, Finlayson Street, Empire Avenue and Argyle Street.

Issue of debentures to pay uncollected ratepayers' share of cost of sewers to be enlarged.

(2) Where it becomes necessary or desirable to reconstruct or enlarge any now existing sewer and the frontage levy made therefor has not yet all been collected, then in every such case the council is hereby authorized to issue debentures of the said corporation (without the assent of the ratepayers being obtained thereto) payable within ten years from the date thereof for an amount sufficient to take up, commute and discharge the uncollected ratepayers' share of the cost of such sewers so being enlarged or reconstructed.

Levy of rate under Rev. Stat. c. 235, s. 37, to form "Depreciation and Contingent Waterworks Fund."

31. The said corporation may levy the rate or tax and exercise the powers conferred by section 37 of *The Municipal Waterworks Act*, and any Act amending the same or substituted therefor, not only for the purpose of assisting in the payment of any debentures issued for the purpose of waterworks constructed under the provisions of such Act or Acts, but also for the purpose of establishing a "Depreciation and Contingent Waterworks Fund" in connection with such waterworks system.

Issue of debentures to pay \$10,000 spent by local Board of Health.

32. The council of the said corporation, without obtaining the assent of the ratepayers therefor, is hereby authorized to issue debentures of the said corporation for the sum of \$10,000, bearing interest at four and one-half per cent. per annum and payable within ten years from the date thereof, being a deficit expenditure incurred by the Local Board of Health of the said corporation during the year 1906.

Time for issue of debentures under by-law 385 extended.

33. Notwithstanding anything contained in the Act passed in the 5th year of His Majesty's reign, Chaptered 48, or in By-law No. 385 of the corporation of the town set out as Schedule "A" to the said Act, the debentures authorized thereby may be dated on the day when the same issue and be payable within thirty years from the day of issuing the same, and it shall not be necessary for the said corporation to make any levy or provide any sinking fund on account of such by-law until such debentures have been issued and then only in respect of the amount from time to time issued, and such debentures when issued and all levies and assessments to be made for the payment thereof are hereby confirmed.

SCHEDULE

SCHEDULE "A."

| No. of Original By-law. | Nature of Improvement. | Situation of Improvement. | Town's Proportion. | | Ratepayer's Proportion. | | Total. |
|-------------------------|------------------------|--|--------------------|----|-------------------------|----|-------------|
| | | | \$ | c. | \$ | c. | |
| 427 | Granolithic Sidewalk | East and West Syndicate Avenue, from Ridgeway Street to Victoria Avenue | 1,938 00 | | 3,876 00 | | \$ 5,814 99 |
| 420 | " | East and West Brodie Street, from Miles Street to Ridgeway | 2,779 70 | | 5,559 40 | | 8,339 10 |
| 421 | " | West side of North Street, from Violet Street to the lane immediately south of Violet | 141 00 | | 282 00 | | 423 00 |
| 422 | " | West side of John Street, from Arthur Street to Victoria Avenue. | 786 00 | | 1,044 00 | | 1,830 00 |
| 425 | " | North side of Gore Street, from Lot 14, Block "Q," O. D. & Co. Addition to Brown Street and on west side of Brown Street, from Gore Street to Frederica Street. | 538 00 | | 1,076 00 | | 1,614 00 |
| 424 | " | West side of Archibald Street, from Donald Street to Arthur Street | 258 00 | | 516 00 | | 774 00 |
| 423 | " | East side of Archibald Street, from Donald Street to Arthur Street | 257 40 | | 514 80 | | 772 20 |
| 419 | " | West side of May Street, from Arthur Street to the centre of Lot 49 West May Street | 266 40 | | 532 80 | | 799 20 |
| 426 | " | South side of Stewart Street, from Victoria Avenue to the lane immediately east of Victoria Avenue | 97 00 | | 194 00 | | 291 00 |
| 414 | " | West side of North Street, from Victoria Avenue to the lane immediately north of Victoria Avenue | 210 00 | | 210 00 | | 420 00 |
| 416 | " | East side of Simpson Street, from Stewart Street to Bethune Street | 2,166 66 | | 4,333 34 | | 6,500 00 |
| 415 | " | West side of May Street, from Victoria Avenue to Miles Street | 759 00 | | 1,518 00 | | 2,277 00 |
| 413 | " | West side of Simpson Street, from Dease Street to Victoria Avenue and on north side of Victoria Avenue from Simpson Street to May Street and on the south side of Victoria Avenue from Stewart Street to Syndicate Avenue. | 5,056 10 | | 10,112 20 | | 15,168 30 |
| 418 | " | West side of Edward Street, from Gore Street to a point 35 feet north of Gore Street | 19 25 | | 38 50 | | 57 75 |
| 417 | " | West side of May street, from Victoria Avenue to Donald Street. | 675 70 | | 1,351 40 | | 2,027 10 |
| 428 | " | Total. | 15,948 21 | | 31,158 44 | | 47,106 65 |

By-law No. 428, providing for the issue of debentures to the amount of \$47,106.65 for the purpose of consolidating into one issue both the ratepayers' share and the Corporation's share of the cost of construction of all the above granolithic sidewalks.

"SCHEDULE "B."

BY-LAW No. 434.

A By-law to further improve and extend the Waterworks System of the said Town to Loch Lomond, and to provide for the raising of \$180,000 by way of debentures necessary therefor.

Whereas the Council of the said Town of Fort William deem it expedient to improve and further extend the Waterworks System of the said Town by changing the source of supply to Loch Lomond;

And whereas the Council of the said Town deem it expedient that the sum of \$180,000 should be provided therefor;

And whereas the said sum of \$180,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said Town of Fort William, according to the last revised assessment roll, is \$5,384,665.00;

And whereas the existing debenture debt of the said Town, exclusive of the local improvement debentures, amounts to \$562,-541.53, made up as follows:—

| | |
|-------------------------------------|--------------|
| Waterworks debenture debt | \$113,117 49 |
| Electric light debenture debt | 109,022 35 |
| Telephone debenture debt | 47,000 00 |
| General debenture debt | 293,401 69 |

of which no part of the principal or interest is in arrear, and for the payment of which a sinking fund of \$98,839.29 has been provided;

And whereas in order to provide for the said debt, it is expedient to issue debentures of the said Corporation to the amount of \$180,000, bearing interest at four and one-half per cent. per annum;

And whereas it will require the sum of \$8,100.00 to be raised annually for a period of forty years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt and the sum of \$2,387.23 to be raised annually during the said period for the payment of the said debt intended to be created by this by-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes payable, making in all the sum of \$10,487.23 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$10,487.23 to be raised annually for the period of forty years by a special rate on the whole rateable property in the said Town for the payment of the said debt and interest as aforesaid;

Therefore the Corporation of the Town of Fort William enacts as follows:—

1. It shall and may be lawful for the Mayor of the said Corporation and he is hereby empowered to borrow the said sum of \$180,000 on the credit of the said Corporation for the purposes aforesaid, and to issue debentures of the said Corporation to the amount of \$180,000 in sums of not less than \$100 each, payable within forty years from the date of issuing such debentures and to bear interest at four and one-half per centum per annum, payable half-yearly on the first days of the months of October and April in each year respectively during the currency of the said debentures.

2. The said debentures shall bear date as of the first day of April, 1907, shall be signed by the Mayor and Treasurer thereof and sealed with the corporate seal.

3. During the said period of forty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said Town of Fort William, in addition to all other rates, levies and assessments, the said sum of \$8,100.00 to pay the interest on the said debentures, and also the further sum of \$2,387.23 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the said sum of \$10,487.23 to be raised annually as aforesaid.

4. The said debentures shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal and interest shall be payable at the office of the Town Treasurer, Fort William, Ontario.

5. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of the municipality, be transferable, except by the Treasurer or his deputy in the Debenture Registry of the said Corporation in the said Town of Fort William," or to like effect.

6. This by-law shall come into force on the first day of November, 1906.

7. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Wednesday, the 24th day of October, 1906, commencing at the hour of 9 o'clock in the forenoon and closing at the hour of 5 o'clock in the afternoon of the same day as follows:—

In Ward One at G. Hartley's house; G. Hartley, deputy returning officer.

In Ward Two (Subdivision No. 1)—Armstrong & Campbell's Office; J. R. Lumby, deputy returning officer.

In Ward Two (Subdivision No. 2)—At Town Hall; Jas. McLaren, deputy returning officer.

In Ward Three—Geo. Coate's Office; J. R. Wells, deputy returning officer.

In Ward Four—Fire Hall; G. B. Smith, deputy returning officer.

8. That on Saturday, the 20th day of October, 1906, at the hour of 10 o'clock in the forenoon, the Mayor of Fort William will attend at the office of the Town Clerk for the purpose of appointing in writing signed by himself, two persons to attend at the final summing up by the Town Clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

9. That on Thursday, the 25th day of October, 1906, at the hour of 10 o'clock in the forenoon, at the offices of the Town of Fort William, the Clerk of the said Town will proceed to sum up the number of votes given for and against this by-law.

Given under the Corporate Seal of the Town of Fort William, as witnessed by the hand of its Mayor and Clerk, this 27th day of November, 1906.

(Sgd.) E. S. RUTLEDGE,
Mayor.

(Seal). (Sgd.) A. McNAUGHTON,
Clerk.

SCHEDULE "C."

BY-LAW No. 443.

A By-law to enable the Corporation of the Town of Fort William to guarantee the bonds of a Public General Hospital in the Town of Fort William to the extent of \$40,000.

Whereas owing to the rapid growth of the Town of Fort William, the large amount of railway work and lumbering being done tributary thereto, and the large amount of labour being employed in and adjacent to the said Town, it is necessary that there should be ample hospital accommodation;

And whereas the present hospital accommodation is inadequate therefor, and the said Corporation is desirous of assisting in the financing of a new public general hospital or of the extension of the present hospital, whichever the ratepayers may desire as hereinafter mentioned;

Therefore the Corporation of the Town of Fort William enacts as follows:—

1. That the said Corporation be and the same is hereby authorized to guarantee the bonds of such public general hospital corporation as shall be decided by the vote of the ratepayers in the said Town on a plebiscite being submitted herewith for such purpose.

2. That such guarantee shall be given by the said Corporation endorsing on the face of the said hospital bonds, when issued, the following, namely: "Payment guaranteed by the Corporation of the Town of Fort William," and to which shall be attached the corporate seal of the said Corporation and the signatures of the Mayor and Clerk thereof for the time being, all of which is hereby authorized.

3. This by-law shall come into force on the day of final passing hereof.

4. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the seventh day of January, 1907; and the polls will be held at the same hour, on the same day, at the same places, and by the same deputy returning officers and poll clerks as for the municipal election for the year 1907, which will be held on the day aforesaid.

5. That on Thursday, the third day of January, 1907, at the hour of ten o'clock in the forenoon, the Mayor of Fort William will attend at the office of the Town Clerk for the purpose of appointing in writing signed by himself, two persons to attend at the final summing up by the Town Clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

6. That on Tuesday, the eighth day of January, 1907, at the hour of ten o'clock in the forenoon, at the offices of the Town of Fort William, the Clerk will proceed to sum up the number of votes given for and against this by-law.

Given under the Corporate Seal of the Town of Fort William, as witnessed by the hand and seal of its Mayor and Clerk, this 14th day of January, 1907.

(Sgd.) JAMES MURPHY,
Mayor.

(Sgd.) A. McNAUGHTON,
Clerk.

(Seal).

CHAPTER

CHAPTER 67.

An Act respecting the Town of Galt, 1907.

Assented to 20th April, 1907.

WHEREAS the Municipal Corporation of the Town of Galt has, by petition, represented that by section 9 of By-law numbered 689 of the said corporation passed on the 8th day of July, 1901, "respecting sewers and frontage assessment for sewers, and to regulate the mode of payment for sewers, and other matters in connection with sewers" it was provided that every owner of property on each side of a street, lane or public highway, in front of which a sewer should be constructed should pay a uniform frontage tax of seventy cents per running foot in twenty equal annual instalments of three and one-half cents per foot each; that owing to the greater cost of construction arising from the rocky character of the soil in many places, and to relieve the rate-payers at large from the heavy annual payment that would fall on them under the provisions of said by-laws, it was found desirable to extend the payment of the debentures to be issued under the provisions of said By-law 689 over the term of forty years, and to provide that the owners of property on each side of a street, lane or public highway, in front of which a sewer should be constructed should pay an annual uniform rate of five cents per running foot frontage during the currency of the debentures to be issued to pay for the cost of constructing the sewers, not exceeding forty years, and By-law No. 825 of said Corporation was passed to amend said By-law No. 689 in that respect, and by an Act passed in the sixth year of the reign of His Majesty King Edward VII, Chapter 74, the said By-law 689 as so amended, as well as the said By-law No. 763 were confirmed and declared legal and valid to all intents and purposes, and such three by-laws are set out in full in the schedules of the said Act; that said By-law No. 825 did not amend said By-law No. 763, and under the provisions of clause 5a of that by-law owners of property on those streets opposite said trunk sewers are liable to pay seventy cents per running foot frontage during a period

Preamble.

period of twenty years: that it is only fair to the owners of property opposite which sewers have been constructed as well as to the rate-payers of the municipality at large that the owners of property fronting or abutting on North and South Water streets and West Main street opposite the trunk sewers should pay at a like rate as such other owners of property opposite which sewers have been or may be constructed and that the said By-law No. 763 should be amended accordingly; that the Municipal Corporation of the Town of Galt, on 21st January, 1907, passed its By-law No. 858, which is set out in full in Schedule 'A' to this Act; and it is necessary and expedient and of advantage to the said Corporation that the said By-law No. 858 should be ratified and confirmed; and whereas the said Corporation has prayed that an Act may be passed ratifying and confirming said by-law; and whereas no objection has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 858
of town of Galt
confirmed.

1. By-law Number 858 of the Corporation of the Town of Galt, which is fully set forth in Schedule "A" to this Act, is hereby ratified and confirmed and declared legal and valid to all intents and purposes, and the said debentures issued or to be issued thereunder, or under said By-law No. 763 as amended thereby, shall be, and the same are declared to be valid, legal and binding upon the Corporation of the Town of Galt, and the ratepayers thereof, notwithstanding any Act or law to the contrary.

SCHEDULE "A."

BY-LAW NUMBER 858 OF THE CORPORATION OF THE TOWN OF GALT, TO AMEND BY-LAW NUMBER 763, OF THE SAID CORPORATION.

Whereas it was provided by section 9 of By-law No. 689 of the said Corporation, passed on the 8th day of July, 1901, respecting sewers and frontage assessment for sewers, that every owner of property on each side of a street, lane or public highway, in front of which a sewer should be constructed, should pay a uniform frontage tax of seventy cents per running foot, in twenty equal annual instalments of three and one-half cents per foot each;

And whereas the Council of the said Corporation passed By-law No. 763 on the sixth day of June, 1904, to provide for borrowing money by the issue of debentures to the amount of \$50,000.00 for the construction of trunk sewers on West Main street and North and South Water streets in the said town and the construction of septic tanks and the necessary disposal works, such debentures to be paid by the municipality at large, and as it was intended that the owners of property on those streets opposite such trunk sewers should pay for the benefits their property would specially derive therefrom, one of the enactments of the said by-law was as follows:—

"5a.

"5a. That the owners as defined in *The Municipal Act* having property fronting or abutting on North and South Water streets and West Main street opposite the trunk sewers proposed to be constructed shall pay the sum of seventy cents per running foot for each frontage on each side of said streets for and during the period of twenty years as mentioned in By-law No. 689."

And whereas it was afterwards found desirable owing to the greater cost of construction arising from the rocky character of the soil in many places to relieve the ratepayers at large from the heavy annual payment that would fall on them under the provisions of said By-law No. 689 to extend the payment of the debentures to be issued under the provisions of By-law No. 689 over the term of forty years, and to provide that the owners of property on each side of a street, lane or public highway in front of which a sewer should be constructed, should pay an annual uniform rate of five cents per running foot frontage during the currency of the debentures to be issued to pay for the cost of constructing the sewer not exceeding forty years, and By-law No. 825 was accordingly passed amending By-law No. 689 in that respect, and by an Act passed in the sixth year of the reign of Edward VII., Chapter 74, the said By-law 689 as so amended as well as the said By-law No. 763 were confirmed and declared legal and valid to all intents and purposes;

And whereas it is only fair to the owners of property opposite which sewers have been constructed as well as to the ratepayers of the municipality at large, that the owners of property fronting or abutting on North and South Water streets and West Main street, opposite the said trunk sewers should pay at a like rate as such other owners of property opposite which sewers have been or may be constructed and that the said By-law No. 763 should be amended accordingly.

Be it therefore enacted, and it is hereby enacted by the corporation of the Town of Galt by the municipal council thereof, as follows:—

1. That the said enacting section 5a hereinbefore recited is hereby repealed and the following substituted therefor:—

"5a. That the owners of property fronting or abutting on each side of the portions of North and South Water streets and West Main street opposite which the trunk sewers have been constructed shall pay an annual uniform rate of five cents per running foot of frontage of such property owned by them respectively for the term of forty years, and such rate shall be payable at the same time as ordinary taxes are payable in the said town, and payments thereof may be enforced by the like remedies as in the case of ordinary taxes."

2. That it shall be lawful for the municipal council to pass a by-law or by-laws providing for the issue of debentures payable in forty years after the issue thereof, or by annual instalments during the period of forty years to such an amount and bearing such rate of interest as the rates to be collected from such property owners will suffice to pay, and in case there be a sinking fund, the rate of interest on investments shall not be estimated at more than four per cent. per annum to be capitalized yearly.

The debentures issued under any such by-law may be guaranteed by the municipality at large, and it shall not be necessary to obtain the assent of the electors of the town of Galt to the passing of any such by-law.

3. That this by-law shall take effect and come into operation on the same being ratified and confirmed by the Legislature of the Province of Ontario.

Passed the 21st day of January, A.D. 1907.

(Sgd.) ADAM THOMSON,

Mayor.

(Sgd.) JOSEPH MCCARTNEY,

Clerk.

(Seal)

CHAPTER 68.

An Act respecting the City of Hamilton.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Corporation of the City of Hamilton has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the said city corporation has asked for authority to issue debentures for an amount not exceeding \$135,000, to cover the amount of a floating debt of the said corporation which has arisen from certain over expenditures in connection with certain works and improvements of a necessary and permanent nature, and the cost of the construction of a bridge at Emerald Street over "The Grand Trunk Railway," the completion of the Mountain Drain in the Township of Barton, the construction of a cement culvert on King Street West at the Brick Yard Hill, and the construction of a main sewer in the eastern annex, and having shewn the particulars thereof, it appears reasonable that authority should be given to cover the said floating debt by the issue of debentures for that purpose to an amount not exceeding \$135,000; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to
issue debentures to
\$135,000 to
cover floating
debt.

1. The Council of the Corporation of the City of Hamilton may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as may be necessary to authorize the issue of debentures to an amount not exceeding \$135,000 to cover the floating debt of the said corporation and the cost of the construction of the works and improvements referred to in the preamble to this Act, the particulars whereof are set forth in Schedule "A" hereinafter contained, and for such purposes to issue debentures of the said corporation in sums of not less than \$100 each, the principal to be payable at the expiration of twenty years from the time such by-law or by-

laws shall take effect, and the interest to be payable half-yearly during the currency of such debentures at a rate not exceeding four per cent. per annum, and to raise and levy annually by special rate on all the rateable property in the said municipality such sum or sums as may be necessary for payment of said debt and interest.

SCHEDULE "A."

The following are the particulars referred to in section 1 of the foregoing Act:—

| | |
|--|--------------|
| (a) Items showing amount of floating debt, \$115,956. | |
| Expenditures for permanent water works construction, 1905, over and above amounts realized from debentures and not covered by debentures | \$31,759 00 |
| Expenditures for permanent pavements for 1905 and 1906, over and above amounts realized from debentures ... | 57,237 00 |
| Expenditures on mountain drain and main sewers, 1905 and 1906 | 14,960 00 |
| Purchase money of city yard | 2,000 00 |
| Purchase of land and construction of police department stable | 10,000 00 |
| | <hr/> |
| | \$115,956 00 |
| (b) Construction of Emerald Street bridge | 3,500 00 |
| (c) Completion of mountain drain | 10,000 00 |
| (d) Construction of cement culvert on King Street West | 3,000 00 |
| (e) Construction of main sewer in annex | 2,000 00 |
| | <hr/> |
| | \$134,456 00 |

CHAPTER 69.

An Act respecting the City of Hamilton and
Canada Screw Company (Limited.)*Assented to 20th April, 1907.*

Preamble.

WHEREAS Canada Screw Company (Limited) have by petition prayed that an Act may be passed to ratify, confirm and legalize By-law No. 640 of the Municipal Corporation of the City of Hamilton respecting the assessment of Canada Screw Company (Limited); and whereas the said company have represented that they have for many years carried on business in Hamilton as manufacturers of screws, nails, tacks, etc., employing a large number of skilled mechanics and others, paying out in wages about one hundred and twenty thousand dollars annually and that the Ontario Tack Company (Limited) have also for many years successfully carried on a similar business in Hamilton with an annual payment of about seventy-five thousand dollars and that it is the intention to amalgamate the two businesses and that the businesses of both companies have increased to such an extent that it is necessary for them to purchase additional lands and erect new buildings having a very much larger capacity than the present works and that the works of the Canada Screw Company adjoin the premises of the Hamilton City Hospital, the board of governors of which has objected to the new buildings being placed adjacent to the hospital property, and in consequence thereof Canada Screw Company, (Limited), and the Municipal Corporation of the City of Hamilton have agreed to a partial exchange of properties and also that the assessment of all the property of the company including the business assessment of both companies and the amalgamated company should be fixed at the sum of \$150,000 for the period of ten years; and whereas the enlargement of the said industries will greatly benefit the citizens of Hamilton by increasing the value of property and by giving employment; and whereas subject as is hereinafter provided it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the provisions of section 2 hereof, By-law No. 640 of the Municipal Corporation of the City of Hamilton set forth in Schedule "A" to this Act is hereby confirmed and declared legal and binding for all purposes on the said City of Hamilton and the ratepayers thereof notwithstanding anything in any Act to the contrary.

By-law No. 640
of City of
Hamilton
confirmed.

2. Notwithstanding anything contained in the said by-law or agreement, the property, real, personal and mixed of the said company shall for school purposes be assessed and liable to taxation as though the said by-law had not been passed or the said agreement entered into.

Taxes for
school pur-
poses.

SCHEDULE "A."

BY-LAW NO. 640 RESPECTING CANADA SCREW COMPANY, LIMITED.

Whereas Canada Screw Company, Limited, and the corporation of the City of Hamilton, respectively, are the owners of certain lands hereinafter mentioned and the company contemplates the erection of a nail factory upon its lands, which in the opinion of the council and of the governors of the city hospital, which is in close proximity to said lands, will cause great discomfort and injury to the inmates of the said hospital, and for the purpose of inducing the company to build elsewhere in the City of Hamilton it is agreed that the necessary by-law shall be passed and agreement entered into between the said company and the corporation for the purpose of carrying out the terms set forth in the draft agreement appended to this by-law;

Therefore the council of the corporation of the City of Hamilton enacts as follows:

The agreement set forth in the schedule appended to this by-law is hereby approved by this council, and the mayor is authorized and required to sign said by-law and affix the city seal thereto upon receiving a duplicate of said agreement duly executed by Canada Screw Company, Limited, under its corporate seal, such agreement to bear even date with the passing of this by-law.

This by-law is not to go into effect or be binding upon the corporation until ratified by the Legislative Assembly of the Province of Ontario.

Passed this 11th day of March, 1907.

S. H. KENT,
City Clerk.

{ Seal of
Corporation. }

T. J. Stewart,
Mayor.

SCHEDULE REFERRED TO IN THE FOREGOING BY-LAW.

Memorandum of agreement made in triplicate this 11th day of March, 1907, between the corporation of the City of Hamilton, hereinafter called the Corporation, of the first part, and Canada Screw Company, Limited, hereinafter called the Company, of the second part.

Whereas the company proposes to build and operate a nail factory and otherwise to make large extensions and additions to its exist-
ing

ing plant on its lands hereinafter described, which are adjacent to the Hamilton city hospital, and it is believed that noise from said nail factory will injure and greatly discomfort the inmates of the said hospital, and in order to induce the company to build such nail factory and to make such extensions on other lands within the City of Hamilton than those adjacent to the city hospital it has been agreed that the necessary by-law shall be passed and agreement entered into between the company and the corporation for the purposes of carrying out the terms hereinafter set forth;

Therefore the corporation and the company hereby mutually agree as follows:

The corporation, in consideration of and exchange for the company's lands hereinafter described shall sell and convey to the company the lands in the said City of Hamilton belonging to the city corporation known as the city yards, the same being situate on the west side of Wellington street north in the block bounded by Murray street on the south, Wellington street on the east and the lands of the Grand Trunk Railway on the west and north containing fifty-four thousand three hundred (54,300) square feet.

And the company in consideration of and exchange for the lands of the corporation hereinbefore described shall sell and convey to the corporation the following lands containing in all fifty-four thousand three hundred and twelve (54,312) square feet, that is to say: All and singular those certain parcels or tracts of land and premises situate, lying and being in the City of Hamilton, in the County of Wentworth, and being composed of—

Firstly: Part of lot number four in John H. Cameron's survey of lots described as follows:—Commencing at a point on the northerly side of Copeland avenue at a distance measured easterly from Wellington street of ninety-five feet seven inches; thence northerly parallel to Wellington street one hundred and thirteen feet, more or less, to the northerly boundary of said lot number four; thence easterly parallel to Copeland avenue two hundred and thirty-eight feet three inches, more or less, to the eastern boundary of lot number four; thence southerly parallel to Wellington street one hundred and thirteen feet, more or less, to Copeland avenue; thence westerly along the north side of Copeland avenue to the place of beginning, containing twenty-six thousand nine hundred and twenty-two square feet.

Secondly: A parcel of land immediately adjoining the city hospital property having a frontage of one hundred and ten feet on the west side of Victoria avenue north and a depth westerly therefrom of two hundred feet, containing twenty-two thousand (22,000) square feet.

Thirdly: A parcel of land immediately adjoining on the north, the parcel secondly above described having a frontage on Victoria avenue of forty-nine feet and a depth westerly therefrom of one hundred and ten feet, and containing five thousand three hundred and ninety (5,390) square feet.

The corporation and the company respectively shall show a good marketable title to its lands and furnish all title deeds and evidences of title, which it has in its possession or control respecting solely to said lands, but shall not be bound to furnish any other deeds or evidences of title, and each party shall examine and verify the title of the other lands at its own expense.

The said exchange shall be completed as soon as reasonably may be after the Act shall have been passed by the Legislative Assembly of the Province of Ontario ratifying and validating the said by-law.

The company covenants that it will not nor will its successors or assigns operate on the premises of the company east of Wellington street any nail machine (or other machine that may make more noise than present machines now in operation on the said premises

other

other than nail machines) and which would constitute a nuisance to the inmates of the city hospital.

And that it will erect and maintain in actual operation for the period of ten years a factory on the said lands to be conveyed by the corporation to the company.

The company may construct and maintain for all time a subway and an overhead bridge under, across and over Wellington street from the property on the west side thereof to the property on the east side thereof, to be located, constructed and maintained by the company to the satisfaction of the city engineer.

The company shall in respect of all its property, real, personal and mixed now or hereafter acquired by the company in and situated on the south side of Birge street between Victoria avenue and Wellington street and the property to be acquired from the city corporation and all other property in the block bounded by Murray street on the south and the Grand Trunk Railway lands on the north, Wellington street on the east and the lands of the Hamilton and North Western Railway on the west or derived from said properties and business carried on thereupon, be annually assessed during the years 1908 to 1917, both inclusive, for \$150,000, and no more, but nothing herein contained shall affect the right of the city to assess for water rates, sewer rates or local improvement rates.

This agreement shall bind and inure to the benefit of the successors and assigns of the parties hereto, and the covenants in this agreement shall run with the land.

In witness whereof the parties hereto have hereunto affixed their respective corporate seals attested under the hands of their respective proper officers.

Signed, sealed and delivered }
in the presence of }

S. H. KENT,
as to signature of
T. J. STEWART.

{ Seal of
City of Hamilton. }

T. J. STEWART,
Mayor.

W. F. COOTE.

CANADA SCREW CO., LIMITED,
CYRUS A. BIRGE,
President.
{ Seal of Canada
Screw Co., Limited. }

CHAPTER 70.

An Act to incorporate the Village of Hepworth.

Assented to 20th April, 1907.

Preamble.

WHEREAS certain ratepayers within the Police Village of Hepworth, in the Counties of Grey and Bruce, have by petition set forth that the Police Village of Hepworth was set apart as a police village by by-laws of the County Councils of the Counties of Grey and Bruce in the year 1900, with the following boundaries, that is to say:—Commencing on the south side of the diagonal road in the Township of Keppel, in the County of Grey, in the limit between lots 1 and 2 in the 9th concession of the said Township of Keppel; thence south two degrees, east along said limit 50 chains, more or less, to the lines between concessions 8 and 9; thence south 88 degrees west along said concession line 20 chains more or less, to the road allowance between the Counties of Grey and Bruce; thence across said county road on the same course into the Township of Amabel and County of Bruce, and thence along the line between concessions 8 and 9 south 88 degrees west 60 chains and 50 links more or less to the dividing line between lots 3 and 4; thence north two degrees west along said dividing line 50 chains more or less to the road allowance between concessions 8 and 9; thence across said road allowance on same course north two degrees west to the centre of the road allowance between lots Nos. 3 and 4 in the 10th concession of the said Township of Amabel; thence north two degrees west along said centre of road 55 chains and 30 links more or less to the allowance for road in front of the 2nd concession south of the central diagonal; thence south 57 degrees east along said allowance for road 55 chains and 30 links more or less to a point opposite the limit between lots 32 and 33 in the 2nd concession south of the centre diagonal; thence across said road allowance north 33 degrees east 1 chain to the limit between lots 32 and 33; thence along said limit north 33 degrees east 30 chains more or less to the road allowance between the Counties of Bruce and Grey; thence following said road allowance north 2 degrees west 24 chains and 50 links more or less to the line between concessions 1 and 2 south of the centre diagonal; thence south 57 degrees east across said road allowance between the Counties of Bruce and Grey into the County of Grey 54 chains and 66 links more or less to the side road between lots 30 and 31 in the 2nd concession

cession south of the centre diagonal in the Township of Keppel; thence south 33 degrees west along said road allowance in front of the 2nd concession south of the centre diagonal; thence across said road allowance on same course 1 chain to the south side thereof; thence south 57 degrees east along said south side 4 chains and 23 links more or less to the limits between lots 1 and 2 in the 9th concession of the said Township of Keppel to the place of beginning; inclusive of all the allowances for roads within or between said lands; that the said village now contains 512 souls according to a special census made at the instance of the police trustees; that the petitioners are desirous that the inhabitants of the said village be incorporated under the name of the Corporation of the Village of Hepworth with the powers vested in villages incorporated under the provisions of *The Consolidated Municipal Act, 1903*; that it is necessary and in the interests of the inhabitants of the said village that works and improvements should be constructed therein which exceed the powers of police trustees; that owing to the situation of the said village the police village system is not adapted to the requirements of the community and that it would greatly conduce to the benefit of the said village to be incorporated and have prayed that an Act may be passed to incorporate said village; and whereas no opposition has been offered to the granting of the prayer of the said petition and it appears that the petitioners include almost the whole number of ratepayers in the said village; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the inhabitants of the said Village of Hepworth, comprised within the boundaries in the second section of this Act mentioned, shall be and they are hereby constituted a corporation or body politic separate and apart from the Townships of Keppel and Amabel, in which the said Village is now situated, under the name of the Corporation of the Village of Hepworth, and shall enjoy all such rights, powers and privileges as are now or shall hereafter be conferred upon incorporated villages in the Province of Ontario. Incorporation.

2. The said Village of Hepworth shall comprise and consist of the lands within the following boundaries, that is to say: commencing on the south side of the diagonal road in the Township of Keppel, in the County of Grey, in the limit between lots 1 and 2 in the 9th concession of the said Township of Keppel; thence south two degrees east along said limit 50 chains, more or less, to the lines between concessions Boundaries.

cessions 8 and 9; thence south 88 degrees west along said concession line 20 chains more or less to the road allowance between the Counties of Grey and Bruce; thence across said county road on the same course into the Township of Amabel and County of Bruce, and thence along the line between concessions 8 and 9 south 88 degrees west 60 chains and 50 links more or less to the dividing line between lots 3 and 4; thence north two degrees west along said dividing line 50 chains more or less to the road allowance between concessions 9 and 10; thence across said road allowance on same course north two degrees west to the centre of the road allowance between lots Nos. 3 and 4 in the 10th concession of said Township of Amabel; thence north two degrees west along said centre of road 55 chains and 30 links more or less to the allowance for road in front of the 2nd concession south of the centre diagonal; thence south 57 degrees east along said allowance for road 55 chains and 30 links more or less to a point opposite the limit between lots 32 and 33 in the 2nd concession south of the centre diagonal; thence across said road allowance north 33 degrees east 1 chain to the limit between lots 32 and 33; thence along said limit north 33 degrees east 30 chains more or less to the road allowance between the Counties of Bruce and Grey; thence following said road allowance north 2 degrees west 24 chains and 50 links more or less to the line between concessions 1 and 2 south of the centre diagonal; thence south 57 degrees east across said road allowance between the Counties of Bruce and Grey into the County of Grey 54 chains and 66 links more or less to the side road between lots 30 and 31 in the 2nd concession south of the centre diagonal in the Township of Keppel; thence south 33 degrees west along said road allowance 48 chains more or less to the road allowance in front of the 2nd concession south of the centre diagonal; thence across said road allowance on the same course 1 chain to the south side thereof; thence south 57 degrees east along said south side 4 chains and 23 links more or less to the limits between lots 1 and 2 in the 9th concession of the said Township of Keppel to the place of beginning; inclusive of all allowances for roads within and between the said lands.

Nomination
and first
election.

3. On the first day of May, 1907, it shall be lawful for William R. White, of the Village of Hepworth, in the County of Bruce, Esquire, who is hereby appointed returning officer, to hold the nomination for the first election of reeve and councillors at some prominent place in the said village at the hour of noon and he shall preside at said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to officiate and who shall have all the powers of a returning officer and the polling for the said election, in the event of there
being

being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

4. At the said election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections the qualification of electors and of the reeve, councillors and other officers shall be the same as that required in incorporated villages. Qualification at first election.

5. The township clerks of the Townships of Keppel and Amabel shall furnish to the returning officer upon demand made by him for the same, a certified copy of so much of the last revised assessment rolls of the said townships respectively as may be required to ascertain the persons entitled to vote at such first election, or the collector's roll or any other document, writing or statement that may be required for that purpose. Township clerks to furnish certified assessment roll.

6. The reeve and councillors so to be elected shall hold their first meeting at some prominent place in the said village at the hour of noon on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination. First meeting of council.

7. Save as otherwise provided by this Act the Provisions of *The Consolidated Municipal Act, 1903*, and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and other provisions of the said Acts applicable to incorporated villages shall apply to the Village of Hepworth in the same manner as they would have been applicable had the said Village of Hepworth been incorporated under the provisions of the said Acts. Application of 3 Edw. VII, c. 19.

8. From and after the passing of this Act the said village shall cease to form part of the said Townships of Keppel and Amabel and shall to all intents and purposes form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated village in Ontario. Village to be separate from Townships of Keppel and Amabel.

9. The expenses of obtaining this Act, and of furnishing any documents and copies of papers, writings, deeds, or any matter whatsoever required by the clerk of the said village, or other officers of the said village, or otherwise shall be borne by the said village and be paid by it to any party that may be entitled thereto. Expenses of obtaining Act.

10. The said village shall form part of the electoral district of the north riding of the County of Bruce. Representation.

CHAPTER 71.

An Act respecting the Town of Kenora.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Municipal Corporation of the Town of Kenora has, by petition, represented that By-law No. 373, set out in Schedule "A" hereto, authorizing the borrowing of the sum of \$30,000 by the issue of debentures for the extension and improvement of the system of waterworks in said Town of Kenora, was finally passed with the assent of the ratepayers on the 23rd day of October, A.D. 1905, but requires Legislative confirmation owing to the fact that the west ward of said municipality is exempted from all rates and charges thereunder in the manner and for reasons in the said by-law set out; and whereas, owing to the physically separated condition of the said west ward, and the consequent exemption from assessment for rates in connection with said waterworks system, no by-law can be validly passed for extending said system without being confirmed by Legislative enactment; and whereas the said corporation has prayed that the said by-law should be confirmed and validated, and that the said Corporation of the Town of Kenora be authorized and empowered from time to time to pass by-laws for the purpose of borrowing money leviable on all the rateable property in the centre, north and south wards only, for the purpose of extending said system of waterworks in the same manner, and with the same requirements under *The Municipal Act* and amendments thereto, as if such rates were being levied on the whole rateable property within the municipality; and whereas the said corporation has further represented that By-law No. 388, set out in Schedule "B" hereto, authorizing the borrowing of the sum of \$200,000 by the issue of debentures for water power development, was finally passed with the assent of the ratepayers on the 10th day of September, 1906; and that By-law No. 396, set out in Schedule "C" hereto, authorizing the borrowing of the further sum of \$100,000 by the issue of debentures for the completion of the water power development, was finally passed with the assent of the ratepayers on the 15th day of January,

ary, A.D. 1907; and whereas the said corporation has prayed that said By-laws Nos. 388 and 396 be confirmed and validated; and whereas the said corporation has further represented that it is desirable that By-law No. 394, set forth as Schedule "D" hereto, passed on the 2nd day of January, A.D. 1907, for the sale of electric power and water, and to grant a fixed rate of assessment (except for school purposes) of \$15,000 under certain conditions to Chas. C. Delbridge as promoter of a Joint Stock Company for the purpose of erecting a four storey modern tourist hotel in the Town of Kenora, be ratified and confirmed; and that a large number of the ratepayers of said corporation, representing upwards of two-thirds of the rateable property in the municipality, and including all but one of the hotelkeepers in said municipality have petitioned, requesting a fixed rate of assessment for said hotel property at an amount less than that provided for in said by-law; that on a poll being taken with the municipal election for the year 1907, a large majority of the ratepayers voted in favor of granting the fixed rate of assessment provided in said by-law as therein set out; that the assessment of the land on which said hotel is to be erected is now only \$8,000; that in pursuance of said ratepayers' petition the municipal council passed said By-law No. 394, and it is desirable that said by-law be ratified and confirmed, and whereas no objections have been raised to any of the said by-laws, nor to the confirmation thereof; and whereas subject as is hereinafter provided it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-laws Nos. 373, 388 and 396 of the Municipal Corporation of the Town of Kenora, respectively set out in Schedules "A," "B" and "C" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made in pursuance thereof, are hereby confirmed and declared to be legal, valid and binding, and every provision of the said several by-laws shall have the same force and effect as if repeated and re-enacted in this Act. Provided that the debentures issued or to be issued in pursuance of the said By-laws Numbers 388 and 396 shall bear interest at the rate of 5 per cent. per annum instead of 4½ per cent. per annum as therein provided, and the corporation of the said town shall in each year during the currency of the said debentures, raise and levy the sums of \$10,000 and \$5,000 respectively, instead of \$9,000 and \$4,500 as provided in the fifth paragraph of the said by-laws respectively, for the payment of interest on the said debentures,

By-laws Nos.
373, 388 and 396
of Town of
Kenora con-
firmed.

tures, and the said by-laws shall be deemed to be further amended by inserting the sums of \$14,203.85 and \$7,101.92 in the place of the sums of \$13,203.85 and \$6,601.92 wherever they occur in the said by-laws.

Mortgage deed securing debentures issued under by-laws Nos. 388 and 396.

2. For the purpose of more effectually creating and defining and providing for the enforcement of the charge upon the water power system and the lands to be acquired for the purposes thereof or in connection therewith as provided in clause 6 of each of the said by-laws Nos. 388 and 396, it shall be lawful for the corporation of the said town of Kenora to secure the debentures to be issued in pursuance of the said by-laws by a mortgage deed creating an encumbrance upon the said water power system and the lands aforesaid, and upon all other property, real and personal, which may be from time to time acquired for the purposes of the said system, including all transmission lines, conduits and other works and appliances and all easements, franchises and privileges for the operation, maintenance and extension thereof, and upon all the rents and revenues present and future of the said system and any and ever extension thereof, and by the said deed the said municipal corporation may grant to the holders of such debentures or the trustee or trustees named in such deed, all such powers, rights and remedies as may be agreed upon between the said municipal corporation and the said trustee or trustees; and the mayor or acting head of the municipal council of the said corporation and the clerk thereof may execute and carry into effect every such mortgage deed, and the same shall be valid and binding and available to the holders of the said debentures and the trustee or trustees therein named in manner and form as therein provided.

Mortgage to be filed in office of Prov. Sec'y.

3. Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the said municipal corporation in the Ontario Gazette.

Preferential charge under by-law 396 to rank ratably with charge under by-law 388.

4. By the said mortgage deed it may be provided, notwithstanding clause 6 of each of the said by-laws, that the preferential charge in favor of the said debentures issued under said by-law No. 396 shall rank ratably with the charge in favor of the holders of debentures under said By-law No. 388.

Power to grant rights on streets to trustees.

5. It shall be lawful for the said municipal corporation by the said mortgage deed to grant to the trustee or trustees named in such deed, and his or their heirs, successors and assigns as a further security for the payment of the said

said debentures all such easements and rights upon the streets, highways and public places of the said municipality as shall be considered expedient, and in the event of the security created by the said deed becoming enforceable, it shall be lawful for the trustee or trustees thereof or any purchaser of the property therein comprised, their servants and agents, to maintain and operate the said water power system, and to produce, sell and distribute electricity therefrom for the purposes of light, heat and power, and to conduct the same by any means through, under and along the said streets, highways and public places of the said municipality, subject to such terms and conditions as may be defined by the said mortgage deed in respect thereof; and every such trustee or purchaser shall, in addition to any other rights or powers vested in him, have all the rights and powers which would be vested in a company incorporated under any Act then in force for supplying heat, light or power to the said municipal corporation or the inhabitants of the said municipality.

6. The said mortgage deed may also clothe the trustee or trustees therein named with power, in the event of the said security becoming enforceable, to appoint a receiver and manager who so far as regards responsibility for his acts and defaults shall be the agent of the municipal corporation and upon whom all or any of the rights and powers of the trustee or trustees may be conferred, and to from time to time remove any such receiver so appointed and appoint another or others in his stead.

Power of trustees to appoint receiver.

7. Nothing herein or in the said by-laws contained shall affect the validity of any of the said debentures as part of the debenture debt of the said municipality or any of the rights or remedies otherwise by law possessed by the holders of debentures of the said municipal corporation.

Validity of debentures not to be affected.

8. The Corporation of the Town of Kenora is hereby authorized and empowered to from time to time pass by-laws for the extension or improvement of its system of water works, and to from time to time borrow money required therefor by the issue of debentures of the said town, and to provide in the said by-laws that the moneys required to be levied for the payment thereof shall be levied only upon the ratable property in the centre, north and south wards of said municipality.

Power to pass By-laws for extension of waterworks.

9. By-law No. 394 of said municipal corporation, set out as Schedule "D" hereto, in so far as it provides for a fixed assessment of \$15,000 (except for school purposes) is confirmed and declared to be legal, valid and binding.

By-law No. 394 confirmed in part.

SCHEDULE

SCHEDULE "A."

By-Law No. 373.

A By-law to provide for the issue of Debentures of the Town of Kenora, to the amount of \$30,000.00, and to raise the sum required thereby for the purpose of extending and improving the system of Waterworks and making connections with said system.

Whereas the Council of the Town of Kenora, deem it necessary and expedient to make further extensions, improvements and connections in its system of waterworks, and it will be necessary to borrow on the credit of the Municipality of the Town of Kenora, aforesaid, for such purposes, the sum of \$30,000.00, required to be raised under this by-law for the purposes aforesaid, said sum to be repayable with interest at the rate of 4½ per centum per annum, in thirty annual instalments;

And whereas in order thereto it will be necessary to issue debentures of the municipality for the sum of \$30,000.00 as hereinafter provided (which is the amount of the debt intended to be created by this By-law) the proceeds of the said debentures to be applied to the purposes aforesaid, and no other;

And whereas owing to the separated portion of the west ward of the Town of Kenora, and its physical features it is impossible to construct waterworks in that ward without very great expense, the said works will only serve the Centre, North and South Wards of the said municipality;

And whereas Chapter 62 of 50 Victoria, amended by 55 Victoria, Chapter 83, section 20, provided for exemptions under certain conditions for certain property in the municipality west of the second outlet of the Lake of the Woods, which comprises the West Ward of the Town of Kenora, as defined by 55 Victoria, Chapter 83, from assessment for any rates for the purposes of raising money for the payment of debentures which may be issued by the municipality;

And whereas the total amount that would require to be raised by special rate on all the rateable property in the Centre, North and South Wards in the municipality for each year during the currency of the said debt, to discharge the several instalments and interest, respectively, as the same becomes due, according to the terms of this By-law, is the sum of \$30,000.00;

And whereas the whole amount of the rateable property of the said municipality, according to the last revised assessment roll, is the sum of \$1,770,869, the amount of the rateable property in the Centre, North and South Wards being \$1,627,288;

And whereas the total amount that will be required to be raised annually during the said period of thirty years by special rate for paying the said sum and interest will be the sum of \$1,841.75;

And whereas the amount of the existing debt of the said municipality is \$268,333.46, of which the proportion to be paid by the Centre, North and South Wards is \$262,464.40, and no part of the principal or interest is in arrears;

Therefore the Municipal Council of the Corporation of the Town of Kenora, enacts as follows:—

1. That it shall be lawful for the Mayor and Treasurer of the Town of Kenora, and they are hereby authorized to raise by way of loan from any person, firm, company or corporation, who may be willing to advance the same upon the credit of the debentures to be issued under this By-law, the sum of \$30,000.00 for the purposes and objects recited in this by-law.

2. That it shall be lawful for the Mayor and Treasurer of the Town of Kenora, and they are hereby authorized and required to issue debentures of the Town of Kenora, to the amount of \$30,000.00, for the purposes aforesaid, which debentures shall be
for

for the several amounts in the next section hereof set out, and shall be sealed with the seal of the said Corporation and signed by the Mayor or head thereof for the time being and countersigned by the Treasurer thereof.

3. The said debentures shall be payable at the office of the Imperial Bank of Canada, in the Town of Kenora, and shall bear interest at the rate of $4\frac{1}{2}$ per centum per annum, from the first day of December, in the year of our Lord one thousand nine hundred and five, which interest shall be payable at the said Bank in the Town of Kenora in each year, and which debentures shall have attached to them coupons for the payment of said interest and shall be for the amounts and shall be payable on the days and times following, that is to say:—

| | |
|-----------------------------------|-----------|
| On 1st day of December, 1906..... | \$ 491 75 |
| “ “ “ 1907..... | 513 89 |
| “ “ “ 1908..... | 537 00 |
| “ “ “ 1909..... | 561 15 |
| “ “ “ 1910..... | 586 42 |
| “ “ “ 1911..... | 612 80 |
| “ “ “ 1912..... | 640 38 |
| “ “ “ 1913..... | 669 18 |
| “ “ “ 1914..... | 699 30 |
| “ “ “ 1915..... | 730 79 |
| “ “ “ 1916..... | 763 66 |
| “ “ “ 1917..... | 798 03 |
| “ “ “ 1918..... | 833 94 |
| “ “ “ 1919..... | 871 47 |
| “ “ “ 1920..... | 910 69 |
| “ “ “ 1921..... | 951 67 |
| “ “ “ 1922..... | 994 50 |
| “ “ “ 1923..... | 1,039 24 |
| “ “ “ 1924..... | 1,086 02 |
| “ “ “ 1925..... | 1,134 88 |
| “ “ “ 1926..... | 1,185 95 |
| “ “ “ 1927..... | 1,239 31 |
| “ “ “ 1928..... | 1,295 08 |
| “ “ “ 1929..... | 1,353 36 |
| “ “ “ 1930..... | 1,414 28 |
| “ “ “ 1931..... | 1,477 92 |
| “ “ “ 1932..... | 1,544 42 |
| “ “ “ 1933..... | 1,613 92 |
| “ “ “ 1934..... | 1,686 55 |
| “ “ “ 1935..... | 1,762 45 |

\$30,000 00

4. That the sum of \$1,841.75 shall be raised and leviable on all the rateable property in the Centre, North and South Wards in said municipality, in each and every year during the currency of the said debt, by special rate, sufficient to discharge the several instalments and interest accruing due on the said debt, as the said instalments and interest become due respectively, payable according to the terms of this by-law.

5. This by-law shall take effect on the first day of December, in the year of our Lord one thousand nine hundred and five.

Done and passed in open Council this 23rd day of October, A.D. 1905.

A. S. HOREWELL,
Mayor.

D. H. CURRIE,
Clerk.

(Seal).

SCHEDULE "B."

BY-LAW No. 388 OF THE CORPORATION OF THE TOWN OF KENORA.

To provide for borrowing the sum of \$200,000 for water power development and to issue debentures of the said Town to that amount to raise the sum required therefor.

Whereas the Municipal Corporation of the Town of Kenora have obtained from the Crown as represented by the Government of the Province of Ontario, a lease of the portion of the river bed of the east branch of the Winnipeg river at the site of and in connection with falls or water power thereon within the said municipality, and have, under Ontario Statute 3 Edward VII, Chapter 77, obtained power and authority to expropriate certain lands adjacent thereto for the purpose of developing and utilizing the water power above mentioned;

And whereas the Municipal Council of the said Town of Kenora deem it expedient and have determined to develop the said water power and have already entered into contracts therefor;

And whereas, in accordance with the plans, specifications and estimates of Messrs. T. Pringle & Son, the town engineers in connection with the said development work, the same when fully completed, together with said lands and the acquiring of same, will cost the sum of \$200,000.00;

And whereas, in order to acquire the said lands and to carry on and complete the said development work it is necessary for the Corporation of the Town of Kenora to borrow upon the credit of the said Corporation the sum of \$200,000.00;

And whereas, for the purposes aforesaid it will be necessary to issue debentures of the said Municipality of the Town of Kenora for the sum of \$200,000.00 as hereinafter provided, which is the amount of the debt intended to be created by this by-law, the proceeds of the said debentures to be applied to the carrying on and completion of the said development work, and the expropriation of and acquiring the said lands, and the payment therefor, and for no other purpose;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest is the sum of \$13,203.85, whereof \$9,000 is to be raised annually for the payment of the interest during the currency of the said debentures, and \$4,203.85 is to be raised annually for the purpose of creating a sinking fund for the payment of the debt secured by the said debentures;

And whereas the amount of the whole rateable property of the Town of Kenora, according to the last revised assessment roll of the said Town of Kenora is the sum of \$1,770,869.00;

And whereas the amount of the existing debenture debt of the said Municipality of the Town of Kenora is \$280,583.75, of which no part is in arrears for principal or interest;

And whereas for paying the said debt of \$200,000.00 hereby created, and interest thereon at the rate of $4\frac{1}{2}$ per cent. per annum, an annual special rate sufficient therefor shall be levied and collected in addition to the other rates to be levied and collected in each year upon the whole rateable property in the Municipality of the Town of Kenora;

Therefore the Municipal Council of the Corporation of the Town of Kenora, in the District of Rainy River, enacts as follows:—

1. That it is expedient and in the interests of the said Town of Kenora to acquire the said lands and to develop the water power on the east branch of the Winnipeg river within the said municipality above mentioned.

2. That it shall and may be lawful for the Corporation of the Town of Kenora to borrow on the credit of the Corporation the said sum of \$200,000.00 for the purpose above set out, and for the purpose of raising the said sum debentures of the said town to the amount of \$200,000.00 as aforesaid, shall be issued in sums of not less than \$1,000.00 each, on the first day of October, A. D. 1906, each of which debentures shall be dated on the said first day of October, 1906, and shall be payable on the first day of October, 1936, at the Imperial Bank of Canada, in the Town of Kenora;

3. Each of the said debentures shall be signed by the Mayor and Treasurer of the said Town, and the Clerk of the said Town of Kenora shall attach thereto the corporate seal of the municipality.

4. The said debentures shall bear interest at the rate of four and one-half (4½) per centum per annum, payable yearly at the said Imperial Bank of Canada in the Town of Kenora, on the first day of October in each and every year during the currency thereof, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the said Mayor and Treasurer.

5. During the currency of the said debentures there shall be raised annually a special rate on all the rateable property in the said Town of Kenora, the said sum of \$9,000 for payment of the interest on the said debentures, and the said sum of \$4,203.85, for the purpose of creating a sinking fund for payment of the debt hereby secured, making in all the sum of \$13,203.85, to be raised annually by special rate as aforesaid during each of the said thirty years.

6.—(1) The said water power system and the lands acquired or to be acquired for the purposes thereof or in connection therewith shall be specially charged with the re-payment of the said sum of \$200,000.00 to be borrowed as aforesaid for the purpose of such water power development and acquiring said lands and for the debentures to be issued therefor, and the holders of such debentures shall have a preferential charge on the said lands, water power, plant and system, and the property pertaining thereto, and on all the revenue arising therefrom, after providing for the expense attendant upon the operation and maintenance of the water power, plant and system, for securing the payment of the said debentures and the interest thereon, and the said debentures and interests shall also be a charge on the whole of the rateable property in the municipality.

(2) Provided further that the revenue arising from the said water power, plant and system and property as aforesaid shall first be applied towards payment of the said debt and interest, and after so applying the moneys arising from the said revenue, less the expense of operating and maintaining, the Council shall only be required to raise in each year by special rate on all the rateable property in the municipality a sum sufficient with the moneys arising from such revenues to make up the said annual sum of Thirteen Thousand Two Hundred and Three Dollars and Eighty-five cents required for payment of the instalments, interest and sinking fund of said debt.

7. This by-law shall take effect and come into operation on the first day of October, A. D. 1906.

Read the first time in open Council this thirty-first day of July, A. D. 1906.

Read a second time in open Council this thirty-first day of July, A. D. 1906.

Read the third time, passed, signed and sealed in open Council, this tenth day of September, A. D. 1906.

A. CARMICHAEL,

Mayor.

D. H. CURRIE,

Clerk

SCHEDULE

SCHEDULE "C."

By-Law No. 396 OF THE CORPORATION OF THE TOWN OF KENORA.

To provide for the borrowing of the sum of \$100,000 for the completion of the Water Power Development, and to issue Debentures of the said Town, to that amount, to raise the sum required therefor.

Whereas By-law No. 388, of the Town of Kenora, was passed, with the assent of the rate-payers, to provide for borrowing the sum of \$200,000.00 for water power development on the east branch of the Winnipeg river in said municipality;

And whereas the said development work has been proceeded with and is now nearing completion, and it has been ascertained that owing to unforeseen circumstances, the said sum of two hundred thousand dollars will not be sufficient to fully complete the said work;

And whereas in order to carry out the purposes mentioned in said By-law No. 388, and fully complete the said development work, it is necessary for the Corporation of the Town of Kenora, to borrow upon the credit of the municipality, the further sum of one hundred thousand dollars;

And whereas, for the purposes aforesaid, it will be necessary to issue debentures of the said municipality of the Town of Kenora, for the sum of \$100,000, as hereinafter provided, which is the amount of the debt intended to be created by this by-law, the proceeds of the said debentures to be applied to the carrying on and completion of the said development work, and the expropriation of and acquiring the said lands and the payment therefor, and for no other purpose;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest is the sum of \$6,601.92, whereof \$4,500 is to be raised annually for the payment of the interest during the currency of the said debentures, and \$2,101.92 is to be raised annually for the purpose of creating a sinking fund for the payment of the debt secured by the said debentures;

And whereas the amount of the whole rateable property of the Town of Kenora, according to the last revised assessment roll of the said Town of Kenora, is the sum of \$1,831,435;

And whereas the amount of the existing debenture debt of the said Municipality of the Town of Kenora is \$500,583.75, of which no part is in arrears for principal or interest.

And whereas for paying the said debt of \$100,000 hereby created, and interest thereon at the rate of 4½ per cent. per annum, an annual special rate sufficient therefor shall be levied and collected in addition to the other rates to be levied and collected in each year upon the rateable property in the Municipality of the Town of Kenora;

Therefore the Municipal Council of the Corporation of the Town of Kenora in the District of Rainy River, enacts as follows:—

1. That it is expedient and in the interests of the said Town of Kenora to acquire the said lands and to complete the development of the water power on the east branch of the Winnipeg river within the said municipality above mentioned.

2. That it shall and may be lawful for the Corporation of the Town of Kenora to borrow on the credit of the Corporation the said sum of \$100,000 for the purposes above set out, and for the purpose of raising the said sum debentures of the said Town to the amount of \$100,000, as aforesaid shall be issued in sums of

not less than \$100, each on the first day of February, A. D. 1907, each of which debentures shall be dated on the said first day of February, 1907, and shall be payable on the thirty-first day of January, 1937, at the Imperial Bank of Canada, in the Town of Kenora.

3. Each of the said debentures shall be signed by the Mayor and Treasurer of the said town, and the Clerk of the said Town of Kenora shall attach thereto the corporate seal of the municipality.

4. The said debentures shall bear interest at the rate of four and one-half (4½) per centum per annum, payable yearly at the said Imperial Bank of Canada, on the thirty-first days of January in each and every year during the currency thereof, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the said Mayor and Treasurer.

5. During the currency of the said debentures there shall be raised annually a special rate on all the rateable property in the said Town of Kenora, the said sum of \$4,500 for payment of the interest on the said debentures, and the said sum of \$2,101.92, for the purpose of creating a sinking fund for the payment of the debt hereby secured, making in all the sum of \$6,601.92 to be raised annually by special rate as aforesaid during each of the said thirty years.

6.—(1) The said water power system and the lands acquired or to be acquired for the purposes thereof or in connection therewith shall be specially charged with the re-payment of the said sum of \$100,000 to be borrowed as aforesaid for the purpose of completion of such water power development and acquiring said lands and for the debentures to be issued therefor, and the holders of such debentures shall have a preferential charge on the said lands, water power, plant and system, and the property pertaining thereto, and on all the revenue arising therefrom, after providing for the expense attendant upon the operation and maintenance of the water power, plant and system, and subject to the rights of the holders of debentures issued under said By-law No. 388, for securing the payment of the said debentures and the interest thereon, and the said debentures and interest shall also be a charge on the whole of the rateable property in the municipality.

(2) Provided further that the revenue arising from the said water power, plant, and system and property as aforesaid shall first be applied towards the payment of the debt and interest under By-law No. 388, and the said debt and interest hereby created and after so applying the moneys arising from the said revenue, less the expense of operating and maintaining, the Council shall only be required to raise in each year by special rate on all the rateable property in the municipality a sum sufficient with the moneys arising from such revenues to make up the said annual sum of \$6,601.92, required for payment of the instalments, interest and sinking fund of said debt hereby created.

7. This by-law shall take effect and come into operation on the first day of February, A. D. 1907.

Read the first time in open Council, this 10th day of December, A. D. 1906.

Read a second time in open Council, this 17th day of December, A. D. 1906.

Read the third time, passed, signed and sealed in open Council, this 15th day of January, A. D. 1907.

C. W. BELYEA,
Mayor.

D. H. CURRIE,
Town Clerk.

(Seal).

SCHEDULE

SCHEDULE "D."

By-Law No. 394.

A By-law of the Town of Kenora for the Sale of Electric Power and Water and to grant a fixed Rate of Assessment (except for School purposes) under certain conditions, to Charles C. Delbridge.

Whereas Charles C. Delbridge purposes forming a joint stock company for the purpose of erecting and operating a first class commercial and tourist hotel on the site of the old Hilliard House in the Town of Kenora, and it is to the interest of the said town, in order to induce and assist him in forming the said company and erecting and operating the said proposed hotel, to sell him for a term of years, forty electrical horsepower at \$12.50 per horse power per annum, and water at the rate of ten cents per thousand gallons, and to fix the amount of assessment, (except for school purposes) under certain conditions;

And whereas this by-law, so far as it relates to the fixing of assessment, shall be subject to confirmation by Act of the Legislature of the Province of Ontario;

Therefore the Municipal Council of the Corporation of the Town of Kenora, in Council assembled, enacts as follows:—

1. That there shall be furnished and delivered to the said Charles C. Delbridge, continuously, for a period of ten years, forty electrical horse power at the rate of \$12.50 per horse power per annum and whatever water from the said town's water works system as may be required in connection with the said proposed hotel business, at the rate or price of ten cents per thousand gallons, meter measurement, and also that for the said term of ten years, all the property of the said proposed hotel, being lot No. 8 and the west half of lot No. 9, in Block Two, in the Town of Kenora, and all buildings and improvements thereon, shall, except for school purposes, be assessed at the sum of \$15,000.00, all under and subject to the following terms, provisions and conditions, namely:—

1. The said Charles C. Delbridge shall, within the year 1907, fully erect and complete an hotel on the land above described on the corner of Main and Second Streets in the Town of Kenora, in substantial conformity to and compliance with the plans and specifications prepared for the said hotel by F. A. Gould, of the City of Winnipeg, and marked exhibits hereto.

2. When the said hotel is erected and ready for operation, the town shall commence to supply water and power as aforesaid, and shall thereafter supply same continuously (except as hereinafter provided) during the said period of ten years, for twenty-four hours per day and for seven days per week, but the town shall not be bound to furnish such power whenever the power works are shut down for necessary repairs, or when from accident or other unavoidable cause, the town is unable to supply the same, but not exceeding two weeks in each year, and in any case of such failure to supply power, the town shall give such reasonable previous notice as may be possible.

3. The said water shall be supplied and delivered upon the said hotel property, and the electrical power shall be delivered by the town upon the said property into the said proposed hotel company's transformers in the said proposed hotel, and the said period of ten years with respect to the supplying of power and water shall commence to run from November 1st, A. D. 1907, and the said forty electrical horse power shall be paid for throughout the said term, whether or not such quantity may be required or used; the period of ten years with respect to fixed assessment shall commence to run from and after the year 1907.

4. Subject to paragraph 5 hereof and subject also to the terms and conditions of this by-law, all the benefits and advantages of this by-law shall pass and enure to the benefit of the proposed Company to be incorporated by the said Charles C. Delbridge, as soon as incorporated, and the said Company shall have power to assign and transfer all rights and benefits to power, water and fixed assessment without the consent of the Council of the said town for the time being, but subject as aforesaid.

5. Before the said power and water are begun to be supplied, and before the first day of February, 1907, the said Charles C. Delbridge shall execute and deliver to the said Corporation, a covenant, binding upon himself and his assigns, to observe, agree to and to be bound by the provisions and conditions of this by-law, and in the event of the incorporation of the said proposed Company or in the event of he or the said Company selling or transferring the said property and the rights under this by-law, that the said proposed Company or the individual or corporation to which he or it may sell, shall, before the said proposed Company or assigns can obtain the benefit of this by-law, file a covenant with the town, similar to the one which the said Charles C. Delbridge entered into with the said town.

6. Upon default being made by the said Charles C. Delbridge in the performance of anything required of him under paragraphs one and five of this by-law, then and in that case this by-law shall immediately upon such default, become null and void, and all rights and benefits hereunder shall immediately cease and be at an end.

7. The town will take a vote of the ratepayers and petition the Legislature of the Province of Ontario for confirmation of this by-law, so far as it relates to fixing the assessment on the said hotel property, it being understood that until such confirmation is obtained, this by-law, with respect to said assessment shall be of no force or effect.

8. Except as herein otherwise provided this by-law shall take effect and come into force immediately upon the final passing thereof.

Done and passed in open Council, this 2nd day of January, A.D. 1907.

A. CARMICHAEL,
Mayor.

D. H. CURRIE,
Clerk.

(Seal).

CHAPTER 72.

An Act respecting the Town of Kincardine.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Municipal Corporation of the Town of Kincardine has, by petition, represented that the said corporation, under the provisions of the statutes in that behalf, did, in the month of December, 1897, become the purchasers at a sale in said town of lands in arrears for taxes of the south 184 feet of lot number one, North Durham Market Square, except a part in the rear thereof used as a lane, and that afterwards the said corporation did grant a part of said lands, namely, the north 84 feet thereof to the Kincardine Public Library Board for a building site, and that the Government of the Dominion of Canada propose to erect in said town a building suitable for the purpose of a post office and other public services upon the condition that a site is provided by said corporation therefor, and on the 1st day of February, 1907, being still the owners of the south 100 feet of said lands, the council of the said corporation passed By-law No. 518, intituled "A By-law of the Town of Kincardine for the purpose of granting to His Majesty a part of Lot Number One on the north side of Durham Market Square as a site for the erection of a postoffice, etc., and in pursuance of said by-law the said corporation has made and executed a conveyance for the purpose aforesaid; and whereas by the said petition it is further represented that in the year 1855 the owners of a large tract of land adjoining on the north, the original town plot of the Town of Kincardine divided the same into town lots, streets and highways, and duly registered their plans of said subdivisions, the said lands so subdivided being known as Williamsburgh, and that afterwards the whole of the said lands known as Williamsburgh were incorporated in the said Town of Kincardine and became part thereof; and that ever since the registration of the said plans a certain street designated thereon as Saugeen Street, and running north from the north limit of the original town plot of the Town of Kincardine to the north limit of that part of said town formerly known as Williamsburgh

Williamsburgh, and having for its westerly limit that part of the east shore of Lake Huron, immediately in front of the said lands so subdivided and formerly known as Williamsburgh, has been used as a public street or highway, and that during the last fifty years the said street has, by reason of the gradual receding of the waters of Lake Huron, been greatly increased in width and has now a width greatly in excess of what is needed as a public highway, and that the said corporation have, since the addition of said street, laid out and expended large sums of money in improving and beautifying the said street or strand and now seek control of all that part of the said street highway or strand which is in excess of 66 feet, so that they may lease the same for the purposes authorized by this Act; and whereas the said corporation has prayed that the said by-law and conveyance may be confirmed and declared to be legal and valid, and that the council of the said corporation may be given power to lease and control all that part of said street which is in excess of sixty-six feet; and whereas subject as hereinafter provided it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 518 of the Corporation of the Town of Kincardine, as set out in the Schedule to this Act, the said conveyance made thereunder from the said corporation to His Majesty the King and the grant made thereby of a site for the erection of a post office and other public buildings are hereby confirmed and declared to be legal, valid and effectual, and the said land above described as the south 100 feet of lot one on the north side of Durham Market Square in said town, except the lane in the rear thereof, is hereby declared to be vested in His Majesty, his successors and assigns for the purpose aforesaid forever.

By-law No. 518
of town of
Kincardine
confirmed.

2. The Council of the said Town of Kincardine may from time to time by by-law provide for leasing upon such terms and conditions as to the council may seem reasonable for a term or terms of years to any person or persons all or any portion or portions of that part of Saugeen Street, north of Durham Street, and running north along the lake shore to the north limit of said town for the purpose of erecting thereon summer cottages or houses, or for beautifying and improving the same. Provided however, that the width of the said Saugeen Street shall be not less than 66 feet at the narrowest point, and that free access to and from the shore of Lake Huron by vessels, boats and persons shall be provided between the said Saugeen Street and the said lake by lanes or passages not less than 30 feet in width

Authority to
make leases of
certain lands.

opposite each street intersecting the said Saugeen Street; Provided however, that nothing herein contained shall be held or construed to affect the right of the said corporation to bring any action against any person or of any person to bring any action against the said corporation or its assigns, lessee or lessees.

SCHEDULE "A."

BY-LAW NUMBER 518.

A By-law of the Town of Kincardine, for the purpose of granting to His Majesty a part of Lot Number One on the north side of Durham Market Square, as a site for the erection of a Post Office, etc.

Whereas the Corporation of the Town of Kincardine, under the provisions of *The Assessment Act*, on the 20th day of December, 1897, became the purchasers of all that certain parcel or tract of land and premises in said town composed of the south part of south one hundred and eighty-four feet of Lot Number One on the north side of Durham Market Square, saving and excepting therefrom that portion in rear of said lot taken for a lane;

And whereas a part of said lands so acquired by the said Corporation has been granted by them to the Kincardine Public Library Board, as a building site for the erection of a suitable building for the purpose of said library. And the said Corporation are now seized in fee and are owners of the remainder of said lands so purchased by them namely: the south one hundred feet thereof;

And whereas the Government of the Dominion of Canada intend to erect upon the said lands a post office and other public buildings, upon the condition that the said Corporation do grant such lands to His Majesty as a site for such purpose, and it is advisable and expedient and in the interests, and for the advancement of said Town that such grant should be made;

Be it therefore and it is hereby, by the Municipal Council of the Town of Kincardine, enacted as follows:—

1. That a grant shall be, and is hereby made, to His Majesty, or to whom the Government of the Dominion of Canada may direct, of all that certain parcel or tract of land and premises situate, lying and being in said town, and being composed of the south one hundred feet of Lot Number One on the north side of Durham Market Square, excepting therefrom that portion in rear thereof used as a lane, as a site for the erection of a post office and other public buildings.

2. That the Mayor of the said town is hereby empowered and directed to sign and execute as such Mayor, and on the behalf of the said Corporation, any and all proper deed or deeds of conveyance or assurance necessary for the purpose of effectually conveying and assuring to His Majesty, for the purpose aforesaid, the said south one hundred feet of the said Lot Number One (1) on the north side of Durham Market Square in the said Town of Kincardine, excepting therefrom that portion of said lot in rear thereof and used as a lane, and the Clerk of the said town is hereby directed to and shall affix to said deed or deeds of conveyance or assurance, the corporate seal of the said municipality, and to countersign the same as such Clerk, and the said Mayor is hereby authorized to deliver to the Honourable the Minister of Public Works of the Dominion of Canada for the time being any such deed or deeds when so signed and sealed.

Dated and passed in open Council this first day of February, A. D. 1907.

WM. G. TEMPLE,
Mayor.

JOHN H. SCOUGALL,
Town Clerk.
CHAPTER

(Corporate Seal).

CHAPTER 73.

An Act respecting the City of London.

Assented to 20th April, 1907.

WHEREAS the Corporation of the City of London has Preamble.
by petition represented that the Council of the said Corporation on the twenty-eighth day of December, A.D. 1906, passed certain by-laws, numbered 2,908, 2,909 and 2,910 to levy the cost of the construction of certain local improvements, and for the issue of debentures therefor; that the said council did on the said twenty-eighth day of December, A.D. 1906, pass a by-law numbered 2,911, to consolidate the several issues of debentures mentioned in the said first mentioned by-laws; that the said Council did on the fourteenth day of January, A.D. 1907, pass a by-law, numbered 2,919, to provide for the issue of \$60,000 debentures for extensions to the sewerage system in the said City of London, after it had received the assent of the electors as required by *The Consolidated Municipal Act, 1903*; and that the said Council did, on the said fourteenth day of January, A.D. 1907, pass a by-law numbered 2,920, to authorize the Corporation of the City of London to enter into a contract with the Hydro-Electric Power Commission of Ontario; and whereas the said Corporation has further represented that the said by-laws numbered 2,908, 2,909, 2,910, 2,911, and 2,919 should be confirmed in order that the debentures issued thereunder may be more readily and profitably disposed of, and that the other by-law should also be confirmed; and has prayed that an Act may be passed to confirm the said by-laws, and to declare that sections 6 to 19, both inclusive, and section 21 of *An Act respecting the City of London*, passed in the 59th year of Her late Majesty's reign, and Chaptered 82, shall apply to and govern the extensions to the sewerage system in the said City of London provided for by said by-law number 2,919, and to grant power to the said Corporation to purchase and expropriate such lands as they may deem necessary or expedient for the erection of an Isolation Hospital and an Hygienic Institute or one of them in the said City of London, and to erect upon the said lands or a portion of the same, an Isolation Hospital, and
to

to enable the said Corporation to borrow such sum not exceeding \$75,000 as to the Council thereof may seem meet for the purpose of purchasing or acquiring the said lands and of erecting the said hospital; and whereas it is expedient to grant the prayer of the said petitions;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws
set out in
Schedule "A"
confirmed.

1. The by-laws of the Corporation of the City of London specified in Schedule "A" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made, for the payment thereof, are confirmed, and declared to be legal, valid and binding.

By-law
set out in
Schedule "B"
confirmed.

2. The by-law of the Corporation of the City of London specified in Schedule "B" hereto, is confirmed and declared to be legal, valid and binding.

59 V.c. 82, ss. 7—
13, 15, 19 and 21
to apply to ex-
tensions of
sewerage
system.

3. Sections seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty-one of *An Act respecting the City of London*, passed in the 59th year of Her late Majesty's reign, and Chaptered 82, shall apply to and govern the extensions to the sewerage system in the said City of London, provided for by said by-law No. 2,919, passed on the fourteenth day of January, A.D. 1907.

Corporation
authorized to
borrow \$75,000
for Isolation
Hospital.

4. Notwithstanding the provisions of any Act or law, the Corporation of the City of London may borrow for any period, not exceeding thirty years, such sum not exceeding \$75,000 as to the Council thereof may seem meet, for the purpose of purchasing or acquiring the lands, which the Council of the said corporation may deem necessary or expedient for the erection of an Isolation Hospital, and an Hygienic Institute, or one of them, in the said City of London, and for the erection upon the said lands, or a portion of the same, of an Isolation Hospital, and may pay and apply the same accordingly.

Assent of
electors not
required.

5. It shall not be necessary that the by-law for the purposes mentioned in the next preceding section hereof, shall be submitted to, or receive the assent of the ratepayers of the said city, but all the other provisions of *The Consolidated Municipal Act, 1903*, which are applicable, and which are not inconsistent with the provisions of this Act shall apply to such by-law.

Rate of interest
on debentures.

6. The debentures issued for the purposes mentioned in section 4 hereof, may bear such rate of interest not exceeding

ceeding five per cent. per annum as the Council of the Corporation of the said city may determine.

7. No irregularity in the form of the debentures issued under the authority of this Act, or any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action against the Corporation of the City of London for the recovery of the amount thereof, or interest thereon, or any part thereof.

Informalities
not to invali-
date debentures.

8. It shall and may be lawful for the Corporation of the City of London, their agents, servants and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, body politic or corporate, within the City of London, and to survey, set out and ascertain such parts thereof as the said Corporation may require for the purposes of the said Hospital and Hygienic Institute, or either of them, and to contract with the owner or occupier of the said lands, or any part thereof, and in case of any disagreement between the said Corporation, and the owners or occupiers of the said lands, or any person having an interest in the said lands, respecting the amount of purchase or value thereof, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely: the Corporation shall appoint one arbitrator, the owner or owners shall appoint another, and the two arbitrators so chosen shall, within ten days after their appointment, appoint a third arbitrator, but in the event of the said two arbitrators not appointing a third arbitrator within the time aforesaid, the Senior or Junior Judge of the County Court of the County of Middlesex shall, on application by either party, appoint such third arbitrator.

Power to
expropriate
land for
hospital.

9. In case any such owner or occupier shall be an infant, married woman, or insane or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, or in case such land may be mortgaged or pledged to any person or persons, the said Judge, on application being made to him for that purpose by the Corporation, shall nominate and appoint three indifferent persons as arbitrators, and the arbitrators to be appointed as hereinbefore mentioned, shall award, adjudge, determine and order the respective sums of money which the Corporation shall pay, the respective persons entitled to receive the same, and the award of the majority of the said arbitrators, in writing shall be final, and the said arbitrators shall be, and they are hereby required to attend at some convenient place in the said city, to be appointed by the said Corporation, after eight days' notice given for that purpose by the said Corporation, there and then to arbitrate and award, adjudge

Appointment
of arbitrators
when owner
under
disability.

judge and determine such matters and things as shall be submitted for their consideration by the parties interested, and also the costs attending such reference and award, and each arbitrator shall be sworn before some one of His Majesty's Justices of the Peace, in and for the County of Middlesex, or an Alderman of the said City, well and truly to assess the value between the parties to the best of his judgment, and the Justices of the Peace or aldermen, before whom the said arbitrators, or any of them, shall be sworn shall give any of the parties requiring the same a certificate to that effect; Provided always that any award under this Act shall be subject to be set aside on application to the High Court of Justice in the same manner, and on the same grounds, as in ordinary cases of arbitration, in which case a reference may be again made to arbitration, as hereinbefore provided, and that any sum so awarded shall be paid within three calendar months from the date of the award or determination of any motion to annul the same, and in default of such payment the proprietor may resume possession of his property, and all his rights shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

Proviso.

When owner
unable to
execute
conveyance.

10. If any of the owners or occupiers, or other person interested in any land entered upon or taken under the provisions of this Act, is an infant, insane or absent from this Province, or if any person interested in the moneys awarded as compensation therefor refuses to, or is unable to execute the proper conveyance, or if, for any other reason, the Corporation deem it advisable so to do, the Corporation may pay the amount of such compensation, with interest for six months, into the High Court of Justice for the purpose of the same being distributed between and paid to the persons entitled thereto according to their several and respective interests therein, and thereupon the lands, in respect of which such compensation was awarded, shall be vested in the said corporation, its successors and assigns, and the award shall be deemed the title of the corporation, and may be registered in the proper registry office.

Distribution of
compensation.

11. A notice in such form, and for such time, as the said court appoints, shall be inserted in some newspaper published in the City in which the lands are situate, which shall state that the title of the Corporation, that is the conveyance, agreement or award is under this Act, and shall call upon all persons entitled to the land, or any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudicated upon by the Court, and the said proceedings shall forever bar all claims to the said lands, or any part thereof

thereof, including dower, as well as all mortgages and encumbrances upon the same, and the Court shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice, and according to the provisions of this Act, and to law appertain, and the costs of the proceedings, or any part thereof, shall be paid as the court deems it equitable to order.

12. If such order of distribution, as aforesaid is obtained in less than six months from the payment of the compensation into court, the Court shall direct a proportionate part of the interest to be returned to the Corporation.

Return of interest if order of distribution made in less than six months from payment into court.

13. If the Corporation show, by affidavit, to the satisfaction of the Senior or Junior Judge, of the County Court of the County of Middlesex, that immediate possession of the lands, which are sought to be acquired under the provisions of this Act, is necessary for proceeding with the operations of the Corporation, and that the Corporation are ready to proceed with such operations forthwith, the said Judge may, upon the Corporation giving security to his satisfaction, in such sum as he may think just, to pay or deposit the compensation to be awarded within one month after making the award, with interest from the time possession is given, and also to pay such costs as may be lawfully payable by the Corporation, issue his warrant to the sheriff of the County of Middlesex, or to a bailiff, as he may deem most suitable, to put the Corporation in possession, and to put down any resistance or opposition to possession being taken, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do.

When immediate possession may be ordered.

14. The lands which shall be ascertained, set out or appropriated by the said Corporation for the purposes thereof, as aforesaid, shall thereupon and forever thereafter be vested in the Corporation of the City of London, and their successors.

Lands appropriated vested in corporation.

15. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within two years next after the Act complained of is committed.

Limitation of actions.

16. This Act may be known and cited as *The City of London Act, 1907*.

Short title.

SCHEDULE "A."

List of By-laws providing for the issue of debentures by the Council of the City of London passed on the Twenty-eighth day of December, A.D., 1906.

| No. of By-law. | Nature of Work under By-law. | Amount of Debt created. | | Amount to be borne by City. | | Amount by Ratepayers. | Time. | Rate. |
|----------------|---|-------------------------|----|-----------------------------|----|-----------------------|-------|--------------|
| | | \$ | c. | \$ | c. | \$ | c. | |
| 2908 | Local improvement debentures to defray the cost of certain pavements constructed in the year 1906. . . | 76,242 | 78 | 18,879 | 89 | 57,362 | 89 | 10 years. 4% |
| 2909 | Local improvement debentures to defray the cost of certain cement sidewalks, kerbs, and gutters constructed in the year 1906. | 52,671 | 36 | 30,806 | 39 | 21,864 | 97 | 10 years. 4% |
| 2910 | Local improvement debentures to defray the cost of certain tile sewers constructed in the year 1906. . . | 21,257 | 66 | 6,502 | 45 | 14,755 | 21 | 10 years. 4% |
| 2911 | To consolidate the several issues of debentures referred to in By-laws Numbers 2908, 2909 and 2910, and to provide for raising by debentures the City's share of the cost of the improvements in the said By-laws mentioned which is to be raised by special rate | 150,171 | 80 | 56,188 | 73 | 93,983 | 07 | 10 years. 4% |
| 2919 | To provide for the issue of debentures for extensions to the sewerage system in the said City of London. | 60,000 | 00 | 60,000 | 00 | None. | | 30 years. 4% |

SCHEDULE "B."

BY-LAW No. 2920.

To authorize the Corporation of the City of London to enter into a contract with the Hydro-Electric Power Commission of Ontario, to supply electric power and energy for the uses of the corporation and the inhabitants thereof.

CHAPTER 74.

An Act respecting the Town of Mount Forest.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Municipal Corporation of the Town of Mount Forest has by petition represented that it has incurred a floating debt of \$5,200, chiefly in connection with making necessary improvements and extensions to its waterworks, and electric light systems and for law costs and expenses, and has prayed that the said debt may be consolidated; and whereas by-law 509 of the said corporation set out in Schedule "C" hereto was submitted to the duly qualified ratepayers on the 21st day of September, 1906, when out of 413 ratepayers entitled to vote, 320 voted for the by-law and 36 against the same; and whereas it is desirable that the said by-law and by-law 512 set out in Schedule "D" and the by-laws specified in Schedule "E" should be confirmed; and whereas, subject to the provisions hereinafter contained, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.

Debt consolidated and debentures for \$5,200 authorized.

1. The said floating debt of the said corporation of the Town of Mount Forest is consolidated at the sum of \$5,200, and it shall and may be lawful for the said corporation to raise by way of loan on the credit of the debentures to be issued under Part I. of this Act from any person or persons or body corporate the said sum of \$5,200.

Issue of debentures.

2. It shall be lawful for the said corporation to pass a by-law or by-laws providing for the issue of debentures under their corporate seal signed by the Mayor and countersigned by the Treasurer for the time being, in such sums, not less than \$100 and not exceeding in the aggregate \$5,200, and payable at such places as the corporation may deem expedient.

31a s.

3.

3. A portion of the said debentures shall be made payable in each year, for a period not exceeding thirty years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. Coupons shall be attached to the said debentures for the payment of interest thereon and the said interest shall be payable at such rate not exceeding four-and-one-half per cent. per annum as the said corporation shall direct and shall be payable yearly.

Payment of
debentures
and interest.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation to the redemption of the said floating debt of \$5,200 and in no other manner and for no other purpose whatsoever.

Application of
proceeds of
debentures.

5. It shall not be necessary to obtain the assent of the electors of the Town of Mount Forest to the passing of any by-law or by-laws which shall be passed under the provisions of Part I. of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*; and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of Part I. of this Act shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of Part I.

Assent of
electors not
required.

3 Edw. VII
c. 19.

6. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing debentures, or as to the application of the proceeds thereof.

Irregularities
in form not to
invalidate.

7. Any by-law to be passed under the provisions of Part I. of this Act shall not be repealed until the debt created under such by-law and interest thereon be fully paid and satisfied.

By-law not to
be repealed
until debt
satisfied.

8. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect to the debentures authorized to be issued under Part I. of this Act, to be called "The Consolidated Debenture Rate;" and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Special rate.

Treasurer to keep proper books of account.

9. It shall be the duty of the Treasurer, for the time being, of the said Town, to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such Treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by Part I. of this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said Town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

Indebtedness of town not discharged.

10. Nothing in Part I. of this Act contained shall be held or taken to discharge the corporation of the Town of Mount Forest from any indebtedness or liability which may not be included in the said debt of the said town of Mount Forest.

Form of debentures.

11. The debentures issued under Part I. of this Act may be in the form contained in Schedule "A" to this Act and the by-law or by-laws authorizing the same may be in the form of Schedule "B" to this Act.

PART II.

Certain by-laws confirmed.

12.—(1) Subject to subsection 2 of this section By-laws Nos. 509 and 512 of the Corporation of the Town of Mount Forest, set out in full in Schedules "C" and "D" hereto, and By-laws Nos. 514, 515, 516, 517 and 518 of the said town, particulars of which are given in Schedule "E" hereto, and all debentures issued or to be issued thereunder and all rates and assessments levied or to be levied for the payment thereof are hereby ratified and confirmed and declared to be legal, valid and binding.

Fixed assessment not to affect school purposes.

(2) Notwithstanding anything contained in the said By-law No. 509 the lands, business and property of the Weir Wardrobe Company shall, for school purposes, be assessed and liable to taxation in the same manner as if the said by-law had not been passed.

Short title.

13. This Act may be cited as *The Town of Mount Forest Debenture Act, 1907.*

SCHEDULE

SCHEDULE "A."

(Section 11.)

DEBENTURE.

Province of Ontario, Town of Mount Forest.

Under and by virtue of the Town of Mount Forest Debenture Act, 1907, and By-law No. _____ of the Corporation of the Town of Mount Forest, passed under the provisions contained in the said Act, the Corporation of the said Town of Mount Forest promises to pay the bearer at _____ in the _____ the sum of

_____ on the _____ day of _____ A.D. 19 _____, and the yearly coupons hereto attached as the same shall severally become due.

Dated at the Town of Mount Forest, in the County of Wellington, this _____ day of _____ A.D. 19 _____

Mayor.

Treasurer.

SCHEDULE "B."

(Section 11.)

BY-LAW No. _____

To authorize the issue of Debentures under the authority of the Town of Mount Forest Debenture Act, 1907.

Whereas Part I of the said Act authorizes the issue of debentures for the purposes therein mentioned not exceeding \$5,200 in the whole as the Corporation of the Town of Mount Forest may in pursuance of, and in conformity with the provisions of Part I of the said Act direct;

And whereas for the purposes of Part I of the said Act it is necessary and expedient to issue debentures to the extent of \$5,200 payable in _____ years from the date thereof with interest thereon at the rate of _____ per cent. per annum, payable yearly according to the coupons attached to the said debentures;

And whereas the amount of the whole rateable property of the said Town of Mount Forest according to the last revised Assessment Roll of the said town, being for the year _____, was \$ _____;

Therefore the Municipal Corporation of the Town of Mount Forest enacts as follows:—

1. Debentures under Part I of the said Act, and for the purposes mentioned therein to the extent of \$5,200 are hereby authorized and directed to be issued.

2. The said debentures shall have coupons attached thereto for the payment of interest at the rate of _____ per centum per annum, payable yearly on the _____ day of _____ in each year

This by-law passed in open council this _____ day of _____ in the year of our Lord 19 _____

SCHEDULE "C."

TOWN OF MOUNT FOREST.

By-law No. 509.

To aid the enlargement of the Weir Wardrobe Manufacturing Establishment in the Town of Mount Forest by way of loan, to the extent of \$8,000, to limit the Assessment on the said Company's factories, and to grant them free water; and to issue Debentures for said loan, and to authorize the raising of an annual sum for the payment of the said Debentures and the Interest thereon.

Whereas by *The Consolidated Municipal Act, 1903*, of the Province of Ontario and amendments thereof, any town in the said Province

Province may grant aid by way of loan of money, limitation of assessment and free water for the encouragement and promotion of manufactures within its limits and may pay such sum or sums of money either in one sum or otherwise, with or without interest, and subject to such terms, conditions and restrictions as the said town may deem expedient and may take, and receive security for the compliance with the terms and conditions upon which such aid is given.

And whereas the Town of Mount Forest is desirous of aiding in the enlargement and promotion of the said Wardrobe Manufactory by the said Weir Wardrobe Company of Canada by granting to the said company a loan to the extent of eight thousand dollars and issuing debentures therefor, said loan to be repaid by ten yearly payments of \$800 each without interest;

And also to grant to the said company a limited or fixed assessment for municipal and school purposes upon the whole of the said company's factory premises, including any and all additions that may be made thereto and the machinery and plant, stock-in-trade and business taxes at the sum of ten thousand dollars for a period of ten years from the first day of January, A.D. 1907;

And also free water from the town water works system for the said period of ten years, but without any guarantee of sufficiency of supply or otherwise for their said factory;

And whereas in order thereto it will be necessary to issue debentures of the said municipality for the sum of eight thousand dollars as hereinafter provided (which is the amount of the debt intended to be created by this by-law), the proceeds of the said debentures to be applied to the purposes aforesaid and to no other;

And whereas it is desirable to issue the said debentures at one time and make the principal of the said debt repayable by yearly sums during the period of ten years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other nine years of the said period;

And whereas the total amount required by *The Consolidated Municipal Act, 1903*, to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$1,011.00;

And whereas the amount of the whole rateable property of the said Town of Mount Forest, according to the last revised assessment rolls, being for the year 1906, is \$749,610.00;

And whereas the amount of the existing debenture debt of the said municipality is \$147,722.53, made up as follows:—

| | |
|---|-------------|
| Consolidated Debentures | \$54,000 00 |
| School Debentures | 6,097 00 |
| Water Works Debentures | 25,431 81 |
| Electric Light Debentures | 11,092 04 |
| Local Improvement Debentures | 22,456 91 |
| Loans to Factories (2) Debentures | 28,644 77 |

(There is upwards of \$20,000.00 of sinking fund invested at interest towards paying above debentures and none of the principal or interest is in arrear.)

Therefore the Municipal Council of the Corporation of the Town of Mount Forest enacts as follows:—

1. That it shall be lawful for the mayor of the said town, and he is hereby authorized and required to cause debentures to be made and issued to the extent of eight thousand dollars in sums of not less than one hundred dollars each, which debentures shall be sealed with the seal of the said corporation, and shall be signed by the mayor and treasurer of the said corporation.

2. That the said debentures shall be issued on the 20th day of December, 1906, each of which debentures shall be dated on the date of the issue thereof and shall be payable within ten years thereafter.

3. The said debentures shall bear interest at the rate of four and one-half per cent. per annum from the date thereof, and the principal sum and interest thereon shall be payable together in ten years at furthest from the 20th day of December, 1906, by equal annual instalments, one debenture or coupon covering principal and interest, to be payable on the 20th day of December in each year at the office of the town treasurer in Mount Forest, commencing on the 20th day of December, 1907.

4. That for the purpose of paying the principal of the said debt and the interest thereon, as the same shall become due by the said equal annual instalments of principal with the interest the sum of (\$1,011.00) ten hundred and eleven dollars shall be raised annually by the said corporation as follows:—

| | |
|------------------------|------------|
| In the year 1907 | \$1,011 00 |
| “ “ 1908 | 1,011 00 |
| “ “ 1909 | 1,011 00 |
| “ “ 1910 | 1,011 00 |
| “ “ 1911 | 1,011 00 |
| “ “ 1912 | 1,011 00 |
| “ “ 1913 | 1,011 00 |
| “ “ 1914 | 1,011 00 |
| “ “ 1915 | 1,011 00 |
| “ “ 1916 | 1,011 00 |

5. That such annual sum of ten hundred and eleven dollars shall be raised and levied in each year by a special rate sufficient therefor on all the rateable property in the said corporation during the continuance of the said debentures or any of them.

6. That it shall also be lawful for the mayor and council of the said corporation and they are hereby required to limit the assessment, for municipal taxation, of all the real and personal estate of the said company, including business assessment, to the sum of \$10,000 for the term of ten years, the sum levied and collected annually on the said assessment of \$10,000 is intended to be all the taxes that the said company shall be required to pay for school and municipal purposes during the said period of ten years on their factory premises in Mount Forest now occupied by them, comprising the land, buildings, machinery, plant, stock-in-trade and all buildings that may be erected on said lands during the said period of ten years from 1st January, 1907, provided however, that no limitation or exemption shall be granted to property used as a dwelling.

And also to grant the said company at their said factory free water from the town water works system for ten years, without guarantee of supply being sufficient or otherwise.

7. That this by-law shall take effect on the 1st day of October, A.D. 1906.

It is hereby declared that the said sum of eight thousand dollars is loaned and the said limitation of assessment or partial exemption from taxation and free water and other benefits conferred to the said company upon the following terms, that is to say:—

The said sum of \$8,000.00 is to be paid to the said company as follows: Seventy-five per cent. of the actual cost of the new building to be erected at or near the northerly side of the present factory of the said company on the west side of Dublin Street in said town as the work progresses and the balance of said sum of \$8,000.00 is to be paid over when the said new building is completed and in running order, which said building is to be built of brick on stone or cement foundation, to be three stories in height and 50 x 80 feet

in

in dimensions, and the said corporation have received from the said company a first mortgage upon the lands and buildings erected and to be erected of the said company, lying and being on the west side of Dublin Street and known as part of park lot No. 6 on the south side of Queen Street in the said town, having a frontage on Dublin Street of 422 feet and extending to Homewood Avenue, duly registered to secure the payment of said loan of \$8,000.00 by said ten yearly instalments of \$800.00 each without interest as per terms of the agreement between the said corporation respecting the enlargement of the said company's factory in Mount Forest and insurance of \$8,000.00, etc., which said agreement shall be read and treated as a part of this by-law.

It is also declared and agreed that the said loan is given and the limitation of assessment granted as aforesaid and the free water given for the term aforesaid in consideration that the said Weir Wardrobe Company shall enlarge their present factory premises in Mount Forest and run or operate the same with at least 60 paid hands continuously on an average in the said town during the said period of ten years as per terms of the said agreement by the said company, its successors or assigns.

The votes of the ratepayers of the said municipality shall be taken on this by-law on Friday, the 21st day of September, A.D. 1906, commencing at the hour of nine-o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the several polling places under the direction of the following deputy returning officers, that is to say:—

In the North Ward at Lewis' frame shop by William Lewis as Deputy Returning Officer.

In the South Ward at the Council Chamber by Thomas Ryan as Deputy Returning Officer.

In the East Ward at Bryant's Show Room by John N. Cringle as Deputy Returning Officer.

In the West Ward at Wood's Shop, Jas. C. Wilkes as Deputy Returning Officer.

On Thursday, September the 20th, 1906, at 8 o'clock in the afternoon the mayor of the said town shall attend at the council chamber in the town hall in the said town for the purpose of appointing in writing, signed by himself, two persons to attend the final summing up by the town clerk of the votes polled on this by-law and also to appoint one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of persons interested in and desirous of opposing the passing of this by-law.

On Saturday, the 22nd day of September, 1906, at 10 o'clock in the forenoon at the council chamber in the town hall in the said town the clerk of the said town will proceed to sum up the number of votes given for and against this by-law.

Dated at the Town of Mount Forest this first day of October, A.D. 1906.

C. A. JONES,
Mayor.
W. C. PERRY,
Clerk.

(Seal.)

SCHEDULE "D."

TOWN OF MOUNT FOREST.

By-law No. 512.

A By-law to raise by way of loan the sum of \$5,000 to extend, improve and complete the water works system in the said Town of Mount Forest, and to authorize the issue of debentures therefor.

Whereas By-law No. 296 of the said town, passed on the 7th day of February, A.D. 1898 (having been duly carried by a vote of the ratepayers of said town) authorized the issue of debentures of said town to the extent of \$25,500 for the construction of a system of water works, etc., in the said town;

And whereas By-law No. 325 of the said town, passed on the 15th day of May, 1899, authorized the issue of debentures of said town to the extent of \$4,000 in addition to the said sum of \$25,500 to extend the said water works system;

And whereas it has been shown by the town engineer's report that a further extension of the said system is advisable and necessary for the full complete and satisfactory working thereof in the interest of the town generally, including the additional revenue to be derived from the extension of the said water works system, and also for more fully providing for fire protection; and it has been found upon a careful estimate that it will require the sum of \$5,000, in addition to the said sum of \$29,500, to extend and fully complete the said water works system;

And whereas section 569 of *The Consolidated Municipal Act, 1903*, of the Province of Ontario (also R.S.O. 1897) and amendments thereof, provide that where any city or town has constructed gas or water works under the authority of the said Acts or any future amendments of the same and shall have raised the money for the purchase or construction of such works by a general rate on the whole of the assessable property of the said corporation under a by-law lawfully passed, it shall be lawful for the council of the said city or town to raise on the credit of the said corporation such further sums as may be necessary to extend or improve the said works or to pay the expense of any extensions or improvements thereof already made or completed wholly or in part, and to pass by-laws for levying on the whole rateable property of the said corporation an annual special rate sufficient to defray the yearly interest upon the sums so expended and to form an equal yearly sinking fund for the payment of the principal within thirty years and the said by-laws shall not require the assent of the electors, provided the same are first approved of by the Lieutenant-Governor in Council, or by *The Ontario Railway and Municipal Board, 1906*, and provided that at the final passing of the said by-law or by-laws three-fourths of the members of the council voted in favour of the same.

And whereas it is expedient and necessary to extend and more fully complete the said water works system as above mentioned and for that purpose to raise the said sum of \$5,000 under the provisions of the said Act by the issue of debentures of the said Town of Mount Forest as hereinafter provided, and to obtain the approval of *The Ontario Railway and Municipal Board* as provided in and by *The Municipal Act* and amendments aforesaid, etc.;

And whereas it will require the sum of \$306.95 to be raised annually for thirty years by a special rate for the payment of said debentures, including interest as hereinafter provided;

And whereas the amount of the whole rateable property of the said Town of Mount Forest, according to the last revised assessment rolls for the said town, being for the year 1906, was \$749,610;

And whereas the amount of the existing debenture debt of the said town is the sum of \$147,722.53, made up as follows:—

| | |
|--------------------------------|-------------|
| General debenture debt | \$60,097 00 |
| Local improvement debt | 22,456 91 |
| Water works debt | 25,431 81 |
| Electric light debenture | 11,092 04 |
| Loans to factories | 28,644 77 |

and none of the principal or interest is in arrear;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Mount Forest as follows:—

1. That it shall be lawful for the Mayor of the said Town of Mount Forest and he is hereby authorized and required for the purpose aforesaid to borrow the said sum of \$5,000 and to issue debentures of the said town to the extent of \$5,000 in sums of not less than \$100 each, which debentures shall be signed by the said mayor and countersigned by the treasurer of said town.

2. The said loan or debentures shall bear interest at the rate of four and one-half per cent. per annum from the date thereof, and the principal sum and interest shall be payable together in thirty years at furthest from the 20th day of December, 1906, by equal annual instalments, one debenture or coupon covering principal and interest, to be payable on the 20th day of December of each year at the office of the town treasurer in Mount Forest, commencing on the 20th December, 1907.

3. That for the purpose of paying the principal of the said debt and the interest thereon as the same shall become due by the said equal annual instalments of principal with the interest, the sum of (\$306.95) three hundred and six dollars and ninety-five cents shall be raised annually by the said corporation as follows:—

| | |
|------------------------|----------|
| In the year 1907 | \$306 95 |
| “ “ 1908 | 306 95 |
| “ “ 1909 | 306 95 |
| “ “ 1910 | 306 95 |
| “ “ 1911 | 306 95 |
| “ “ 1912 | 306 95 |
| “ “ 1913 | 306 95 |
| “ “ 1914 | 306 95 |
| “ “ 1915 | 306 95 |
| “ “ 1916 | 306 95 |
| “ “ 1917 | 306 95 |
| “ “ 1918 | 306 95 |
| “ “ 1919 | 306 95 |
| “ “ 1920 | 306 95 |
| “ “ 1921 | 306 95 |
| “ “ 1922 | 306 95 |
| “ “ 1923 | 306 95 |
| “ “ 1924 | 306 95 |
| “ “ 1925 | 306 95 |
| “ “ 1926 | 306 95 |
| “ “ 1927 | 306 95 |
| “ “ 1928 | 306 95 |
| “ “ 1929 | 306 95 |
| “ “ 1930 | 306 95 |
| “ “ 1931 | 306 95 |
| “ “ 1932 | 306 95 |
| “ “ 1933 | 306 95 |
| “ “ 1934 | 306 95 |
| “ “ 1935 | 306 95 |
| “ “ 1936 | 306 95 |

4. That such annual sum of three hundred and six dollars and ninety-five cents shall be raised and levied in each year by a special rate sufficient therefor on all the rateable property in the said corporation during the continuance of the said debentures or any of them.

5. That this by-law shall take effect on Monday the 15th day of October, A.D. 1906.

Dated at Mount Forest this 15th day of October, 1906.

C. A. JONES.

Mayor.

W. C. PERRY.

Clerk.

(Seal.)

SCHEDULE

SCHEDULE "E."

LIST OF BY-LAWS PROVIDING FOR THE ISSUE OF DEBENTURES BY THE COUNCIL OF THE TOWN OF MOUNT FOREST, PASSED ON THE 26TH NOVEMBER, A.D. 1906.

| No. of By-law. | Nature of work under By-law. | Amount of debt. | Town's share. | Ratepayers. | Time. | Rate. |
|----------------|---|-----------------|---------------|-------------|----------------|--------------|
| | | \$ c. | \$ c. | \$ c. | | |
| 514. | Local improvement debentures to defray cost of sidewalk constructed in 1906. | 294 09 | 135 74 | 153 35 | 20 years. | 4½ per cent. |
| 515. | Local improvement debentures to defray cost of sidewalk constructed in 1906. | 158 66 | 136 52 | 22 14 | 20 years. | 4½ per cent. |
| 516. | Local improvement debentures to defray cost of sidewalk constructed in 1906. | 311 94 | 142 13 | 169 81 | 20 years. | 4½ per cent. |
| 517. | Local improvement debentures to defray cost of sidewalk constructed in 1906. | 1,006 52 | 472 31 | 534 21 | 20 years. | 4½ per cent. |
| 518. | Consolidating above mentioned by-laws. | 1,771 21 | 886 70 | 884 51 | 20 years. | 4½ per cent. |

CHAPTER 75.

An Act to incorporate the Village of Neustadt.

Assented to 20th April, 1907.

Preamble.

WHEREAS certain ratepayers residing in the unincorporated Village of Neustadt, in the Township of Normanby, in the County of Grey, have by petition set forth that the unincorporated Village of Neustadt is situate on lots numbers one, two, three, and part of lot number four, in the fourteenth concession, and lots numbers one, two, three and parts of lots numbers four and five, in the thirteenth concession, all in the Township of Normanby, in the County of Grey, amounting in all to about seven hundred acres; that the said Village of Neustadt contains a population of about six hundred souls according to the last enumeration of the assessor; that the petitioners are desirous that the inhabitants of the said village shall be incorporated under the name of "The Corporation of the Village of Neustadt," with the powers vested in villages incorporated under the provisions of *The Consolidated Municipal Act, 1903*: that it is necessary and in the interests of the inhabitants of the said village that works and improvements should be constructed in the said village, which the inhabitants are not able to procure from the Township Council, and that the police village system is not adapted to the requirements of the community, and that it would greatly conduce to the benefit of the said village to be incorporated, and have prayed that an Act may be passed to incorporate the said village; and whereas no opposition has been offered to the granting of the prayer of the said petition, and it appears that the petitioners include almost the whole number of ratepayers in the said village; and whereas it is deemed expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. On and after the passing of this Act the inhabitants of the Village of Neustadt comprised within the boundaries of the second section of this Act mentioned, shall be and they

they are hereby constituted a corporation or body politic, separate and apart from the Township of Normanby, in which the said village is now situate, under the name of "The Corporation of the Village of Neustadt," and shall enjoy all such rights, powers and privileges as are now or shall hereafter be conferred upon incorporated villages in the Province of Ontario.

2. The said Village of Neustadt shall comprise and consist of the lands, within the following boundaries, that is to say: Lots numbers one, two, and three, and all that part of lot number four lying to the west of the right of way of the Stratford and Lake Erie Railway Company, all in the fourteenth concession of the Township of Normanby, in the County of Grey, and lots numbers one, two, and three in the thirteenth concession of the Township of Normanby, in the County of Grey, and all those portions of lots numbers four and five in the thirteenth concession of the Township of Normanby in the County of Grey more particularly described as follows:

Boundaries
of Village.

Firstly. All that portion of the north half of said lot four, described as follows: Commencing at a point on the western limit of said lot four where the northern limit of Stephana street as shown on Winklers' registered plan of subdivision of lot three, and part of lot four in the thirteenth concession of said Township of Normanby would if produced intersect the said western limit of said lot four; thence easterly parallel with the southerly limit of said lot four a distance of 48 rods to a point; thence southerly parallel with the westerly limit of said lot four a distance of sixty-eight rods more or less to a point in the northern limit of the road or lane shown on said plan and separating the north and south halves of said lot four; thence westerly parallel with the northerly limit of said lot four a distance of 48 rods more or less to the western limit of said lot four, and thence northerly along the western limit of said lot four a distance of 68 rods more or less to the place of beginning.

Secondly. The south half of said lot number four and all that portion of the south half of lot number five lying to the south and west of the right of way of the Stratford and Lake Erie Railway Company, together with the road or lane running east and west and dividing the north and south halves of said lots four and five as shown on Winklers' registered plan of subdivision of part of said lots four and five.

3. On the first day of May, 1907, it shall be lawful for Frederick William Meyer, of the Township of Normanby, in the County of Grey, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at some prominent place

First election.

place in the said village, at the hour of noon, and he shall preside at such nomination, or in case of his absence the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the polling for the said election in the event of there being a poll required, shall be held on the same day of the week, in the week next following the said nomination and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification at first election.

4. At the said election the qualification of the said electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections the qualification of electors and of the reeve, councillors and other officers, shall be the same as that required in incorporated villages.

Township Clerk to furnish copy of assessment roll.

5. The Township Clerk of the Township of Normanby shall furnish to the returning officer, upon demand made by him for the same, a certified copy of so much of the last revised assessment roll of the said township as may be required to ascertain the persons entitled to vote at such first election, or the collector's roll or any document, writing or statement that may be required for that purpose.

First meeting of council.

6. The reeve and councillors so to be elected shall hold their first meeting at some prominent place in the said Village of Neustadt, at the hour of noon on the same day of the week, in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

Application of 3 Edw. VII., c. 19.

7. Save as otherwise provided by this Act, the provisions of *The Consolidated Municipal Act, 1903*, and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and the other provisions of the said Acts applicable to incorporated villages shall apply to the Village of Neustadt, in the same manner as they would have been applicable had the said Village of Neustadt been incorporated under the provisions of said Act.

Village to be separate from Township of Normanby.

8. From and after the passing of this Act the said Village of Neustadt shall cease to form a part of the Township of Normanby, and shall to all intents and purposes form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

9. The expense of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds or any matters whatsoever required by the Clerk of the said village or other officers of the said village, shall be borne by the said village and be paid by it to any party that may be entitled thereto.

Expenses of
incorporation
to be borne by
village.

10. The said Village of Neustadt shall form a part of the Electoral District of the South Riding of the County of Grey.

Represent-
tation.

11. The council of the said village may pass a by-law for taking the assessment for the year ending on the 31st day of December, 1907, between the 15th day of June, and the 15th day of July, 1907, and in such case the time for closing the Court of Revision shall be the 31st day of August, and for final return by the Judge of the County Court the 30th day of September.

Assessment
for 1907.

CHAPTER 76.

An Act respecting the City of Niagara Falls.

Assented to 20th April, 1907.

Preamble.

WHEREAS By-law No. 67 of the City of Niagara Falls, purporting to authorize the raising by way of loan upon the credit of the debentures of the said corporation as therein mentioned of the sum of \$16,000 for the purpose of constructing a system of trunk sewers for the south end of the city, was, pursuant to the provisions of *The Municipal Act* and of the Act providing for the Incorporation of the City of Niagara Falls, being Chapter 57 of the Acts passed in the 3rd year of His Majesty's reign, and of the Report of the Commissioners, appointed under section 4 of the said last mentioned Act, dated the 7th day of December, 1903, in that behalf, duly submitted to the ratepayers in Wards 4 and 5 in the said City, being that part of the said City formerly comprising the Village of Niagara Falls, on the 11th day of July, 1904, and approved by said ratepayers by vote of 123 for the by-law and 13 against the by-law, and the said by-law was afterwards, on the 14th July, 1904, finally passed by the Council of the said Corporation; and whereas doubt has arisen as to the validity of the said by-law; and whereas the said by-law provided for the issuing of the said debentures on the 1st day of December, 1904, and for raising annually by special rate during the year 1906 and each of the next ensuing twenty-nine years the amount of \$925.28, being the amount required to pay the said debentures and interest; and whereas the construction of the said sewers has been completed, the cost thereof having been borrowed temporarily from the bank, but the said debentures have not been issued nor has the special rate therefor been raised; and whereas the said Corporation has, by petition, prayed that the date of issue of the said debentures should be extended to the 1st day of December, 1906, and that the rates to be levied thereunder should be levied and the debentures authorized to be issued should be made payable during the year 1907 and each of the ensuing twenty-nine years, and that in other respects the said By-law No. 67, forming Schedule "A" hereto should be confirmed and
legalized;

legalized; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the provisions of section 2 hereof, By-law No. 67 of the City of Niagara Falls, as set out in Schedule "A" hereto, is confirmed and declared to be legal, valid and binding.

By-law No. 67
of City of
Niagara Falls
confirmed.

2. Notwithstanding anything contained in the said By-law No. 67, it shall be lawful for the Corporation of the City of Niagara Falls to issue the debentures provided for under the said by-law as of the first day of December, 1906, such debentures to bear interest from the first day of December, 1906, and be payable in equal annual instalments of \$925.28, comprising principal and interest on the first day of December in the year 1907 and each of the next succeeding twenty-nine years; and it shall further be lawful for the said Corporation, and the said Corporation is hereby required in the year 1907 and in each of the next succeeding twenty-nine years, to raise, levy and collect by special rate upon all the rateable property in Wards 4 and 5 in the said City, the said sum of \$925.28 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt. The debentures to be issued as herein authorized, and all assessments made or to be made for the payment thereof are hereby confirmed and declared to be legal, valid and binding.

Date of issue of
debentures
and raising of
special rates.

SCHEDULE "A."

BY-LAW No. 67.

A By-law to provide for the construction of sewers in the City of Niagara Falls and to authorize the issue of debentures of the said city to the amount of \$16,000.00 for the purpose of raising the required sum therefor.

Whereas it is desirable to construct a system of trunk sewers in the City of Niagara Falls according to the plans thereof prepared by J. H. Jackson, Esquire, and adopted by the council of the said city, and to raise the sum of \$16,000.00 to be applied for the said purpose.

And whereas in order thereto it will be necessary to issue debentures of the said city for the sum of \$16,000.00 as hereinafter provided (which is the debt to be created by this by-law) the proceeds of the said debentures to be applied to the purpose aforesaid and to no other purpose.

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of thirty years, being the currency of the

said

said debentures; said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest, in respect to the said debt shall be as nearly as possible equal to the amount so payable in each of the other twenty-nine years of the said period, as shown in Schedule "A" hereto annexed.

And whereas the total amount required by the "Municipal Act" to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$925.28.

And whereas the amount of the whole rateable property of the City of Niagara Falls according to the last Revised Assessment Rolls thereof is \$2,621,963.00.

And whereas the amount of the existing debenture debt of the said municipality is \$324,926.86, whereof no sum either of principal or interest is in arrear.

Therefore the Municipal Council of the City of Niagara Falls enacts as follows:

1. The sum of \$16,000.00 shall be expended by this city in constructing a system of trunk sewers for the south end of the city, according to the plans therefor prepared by J. H. Jackson, Esq., and adopted by the council of the municipality, and for the purpose of raising the said sum, debentures of the said city to the said amount of \$16,000.00 in all, in sums of not less than \$100 each shall be issued on the 1st day of December, 1904, each of which debentures shall be dated on the date of the issue thereof, and shall be payable within thirty years thereafter at the office of the City Treasurer in the said City of Niagara Falls.

2. Each of the said debentures shall be signed by the Mayor of the said City of Niagara Falls or by some other person authorized by by-law to sign the same and by the Treasurer of the said city, and the Clerk shall attach thereto the Corporate Seal of the municipality.

3. The said debentures shall bear interest at the rate of four per centum per annum, payable yearly at the office of the City Treasurer on the first day of December in each and every year during the currency thereof and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the Mayor or other person authorized as aforesaid, and by the Treasurer of the said City of Niagara Falls.

4. During the currency of the debentures there shall be raised annually by special rate on all the rateable property in Wards 4 and 5 in the said City of Niagara Falls, being that part of the said city formerly comprising the Village of Niagara Falls, the sum of \$925.28 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt as shewn in the Schedule "A" hereto annexed.

5. It is hereby declared that the said debt is guaranteed by the said Corporation of the City of Niagara Falls at large, and the said debentures shall be so guaranteed.

6. This by-law shall take effect on the final passing thereof.

7. The votes of the electors of the said Wards 4 and 5 of the City of Niagara Falls shall be taken on this by-law, in accordance with the Report dated on the 7th of December, 1903, of the Commissioners appointed under Chapter 67 of the Statutes of Ontario, 1903, at the following times and places, that is to say: On Monday, the eleventh day of July, 1904, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day.

In Ward No. 4, at Mitchell's flour and feed store.

In Ward No. 5, at fire hall.

By the following Deputy Returning Officers:

In Ward No. 4, John Garner.

In Ward No. 5, Joseph Forde.

8. On Saturday, the 9th day of July, 1904, the Mayor of the said City of Niagara Falls shall attend at the Council Chamber at ten o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid and at the final summing up of the votes by the Clerk, on behalf of the persons interested in and promoting or opposing the by-law, respectively.

9. The Clerk of the Council of the said City of Niagara Falls shall attend at his office in the City Hall at ten o'clock in the forenoon of Tuesday, the 12th day of July, 1904, to sum up the number of votes for and against the by-law.

SCHEDULE "A."

Referred to in the foregoing by-law, showing how the amount of \$925.28 thereby required to be raised annually by special rate is apportioned.

| Year. | Principal. | Interest. | Total. |
|-----------|------------|-----------|----------|
| 1905..... | | | |
| 1906..... | \$285 28 | \$640 00 | \$925 28 |
| 1907..... | 296 69 | 628 59 | 925 28 |
| 1908..... | 308 56 | 616 72 | 925 28 |
| 1909..... | 320 90 | 604 38 | 925 28 |
| 1910..... | 333 74 | 591 54 | 925 28 |
| 1911..... | 347 09 | 578 19 | 925 28 |
| 1912..... | 360 97 | 564 31 | 925 28 |
| 1913..... | 375 41 | 549 87 | 925 28 |
| 1914..... | 390 43 | 534 85 | 925 28 |
| 1915..... | 406 05 | 519 23 | 925 28 |
| 1916..... | 422 29 | 502 99 | 925 28 |
| 1917..... | 439 18 | 486 10 | 925 28 |
| 1918..... | 456 75 | 468 53 | 925 28 |
| 1919..... | 475 02 | 450 26 | 925 28 |
| 1920..... | 494 02 | 431 26 | 925 28 |
| 1921..... | 513 78 | 411 50 | 925 28 |
| 1922..... | 534 33 | 390 95 | 925 28 |
| 1923..... | 555 70 | 369 58 | 925 28 |
| 1924..... | 577 93 | 347 35 | 925 28 |
| 1925..... | 601 05 | 324 23 | 925 28 |
| 1926..... | 625 09 | 300 19 | 925 28 |
| 1927..... | 650 09 | 275 19 | 925 28 |
| 1928..... | 676 09 | 249 19 | 925 28 |
| 1929..... | 703 13 | 222 15 | 925 28 |
| 1930..... | 731 26 | 194 03 | 925 28 |
| 1931..... | 760 51 | 164 77 | 925 28 |
| 1932..... | 790 93 | 134 35 | 925 28 |
| 1933..... | 822 57 | 102 71 | 925 28 |
| 1934..... | 855 47 | 69 81 | 925 28 |
| 1935..... | 889 69 | 35 59 | 925 28 |

Read a third time and passed in council this 14th day of July, 1904.

(Sgd.) JOHN ROBINSON,
Clerk.

(Sgd.) GEORGE HANAN,
Mayor.

{ Seal. }

CHAPTER 77.

An Act respecting the Town of North Toronto.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Municipal Corporation of the Town of North Toronto has, by petition, represented that it is desirable and in the interest of the said town that the elections for mayor and councillors of the said town should be held on New Year's day in each year, and that By-law 827 of the said town amending By-law No. 77, set out as a schedule to the Act passed in the 55th year of the reign of Her late Majesty Queen Victoria, Chaptered 88, should be confirmed and that certain tax sales had within the said town should also be confirmed; and whereas the said corporation has prayed that an Act may be passed for the said purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Nominations
for Mayor and
Councillors.

1. The nominations for mayor and councillors of the Town of North Toronto shall be held on the twenty-second day of December in each year, unless that day should be a Sunday, then on the following day, and the election for said offices shall be held on the first day of January following, unless that day should be a Sunday, then on the following day.

By-law 827
confirmed.

2. By-law No. 827 of the said Town, amending By-law No. 77 as confirmed by the Act passed in the 55th year of Her late Majesty's reign, Chaptered 78, which is fully set forth in the Schedule "A" to this Act, is hereby confirmed and declared legal and valid.

Tax sales and
tax deeds
validated to
end of 1904.

3. The sales of lands in the Town of North Toronto, in the County of York, in the Province of Ontario, made in the years up to, and including the year A.D. 1904, for arrears of taxes in respect of the lands so sold, including sales of land which may have been purchased by the Council

oil of the said Town, or by anyone on behalf of the said Council under the provisions of *The Assessment Act*, and all tax deeds issued in pursuance of such sales are confirmed and declared to be and to have been legal, valid and binding to all intents and purposes, notwithstanding any error or irregularity in the said sales or deeds, or in any of the proceedings, including the assessment of the said lands or proceedings to collect the taxes thereon taken prior to the said sales, and the execution of the said deeds respectively.

SCHEDULE "A."

No. 827.

A By-law to amend By-law No. 77.

Be it enacted by the Municipal Council of the Corporation of the Town of North Toronto:—

1. That Section 5 of By-law No. 77 shall be and is hereby amended by adding thereto the following clause:—

Provided, that in the event of the system of arc lighting being extended at any time in the future, by which arc lights may be placed on any street or streets not hitherto lighted, the words "and on streets intersecting same to a distance of 600 feet from street line at which any light is placed" shall not apply or operate on such streets.

Passed January 30th, 1907.

COUNCIL OF THE TOWN OF NORTH TORONTO.

JOHN FISHER,

Mayor.

W. J. DOUGLAS,

Clerk.

(Seal).

CHAPTER 78.

An Act respecting the City of Ottawa.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Corporation of the City of Ottawa has, by petition, represented that it has constructed and is operating a system of water works under the authority of an Act passed in the 35th year of the reign of Her late Majesty Queen Victoria, Chaptered 80, intituled *An Act for the construction of Waterworks for the City of Ottawa* and not under *The Municipal Act*, and has prayed that *The Consolidated Municipal Act, 1903*, and amendments thereto shall apply to the borrowing powers of the said corporation for water works extensions and improvements, and that the jurisdiction of "The Ontario Railway and Municipal Board" be extended thereto; and whereas the said corporation has further prayed that certain local improvement by-laws passed by the council of the said corporation may be validated and confirmed; and whereas the said corporation has further prayed that it may be authorized to spend a sum not exceeding \$5,000 to aid in defraying the expenses of the "Old Boys' Re-Union," to be held at Ottawa during the year 1907, out of its current revenue; and whereas the said corporation has further represented by said petition that it is desirable to establish a reference branch in connection with its Public Library and to purchase books therefor, and has prayed that it may be authorized to borrow the sum of \$36,000 by a special issue of debentures, payable in twenty years, for such purposes; and whereas the said corporation has by said petition represented that by an Act passed in the 57th year of the reign of Her late Majesty, Queen Victoria, Chaptered 75, the said corporation was authorized to produce, manufacture and use and supply to others electricity for motive power and other purposes; and whereas the said corporation, in the year 1905, submitted a By-law No. 2489 to the ratepayers of the City of Ottawa, authorizing the borrowing of the sum of \$200,000 upon debentures for the purchase of the plant, business and assets of the Consumers' Electric Company, Limited, which said by-law was

was approved of by the said ratepayers and duly passed and debentures issued therefor; and whereas by By-law No. 2503, the said corporation entered into an agreement of purchase with the Consumers' Electric Company, Limited, and thereby acquired all the plant, business, premises and assets of the said company, and has since the date thereof and is now in full possession and enjoyment thereof; and that the said By-laws Nos. 2489 and 2503 have been declared valid by the Court of Appeal for Ontario; and that by By-law No. 2504 the said corporation entered into an agreement with the Ottawa and Hull Power Company for the supply of electrical power and energy for said plant, which said by-law has been declared invalid by the said Court of Appeal for Ontario, and that it is desirable in order to remove doubts that the power of the said corporation in that behalf should be more fully declared, and the said By-laws Nos. 2489 and 2503 be ratified, confirmed and validated, and that the said corporation be authorized to borrow on the vote of the property owners a sum not exceeding \$500,000 for the purchase and development of a power plant, and to lease and purchase electrical power or energy for the purposes of their municipal electric plant, from "The Hydro-Electric Power Commission of Ontario" or otherwise, and have prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayers of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in and by the Act passed in the 35th year of the reign of Her late Majesty Queen Victoria, Chapter 80, and intituled "An Act for the construction of Water Works for the City of Ottawa" or any amending Acts, the council of the said corporation may pass a by-law or by-laws, after the assent of the electors entitled to vote thereon has been obtained, for the purposes of borrowing money for extensions and improvements of its water works system, or may apply to The Ontario Railway and Municipal Board for approval of such by-law or by-laws as provided by subsection 5 of section 569 of *The Consolidated Municipal Act, 1903*, as amended by section 21 of *The Municipal Amendment Act, 1906*, and clause (d) of section 53 of *The Ontario Railway and Municipal Board Act, 1906*.

Authority to pass by-laws for extension of waterworks system.

3 Edw. VII, c. 19

6 Edw. VII, c. 31.

2. The by-laws heretofore passed by the council of the said corporation, authorizing the construction of works as local improvements, and the borrowing of money for the payment of the cost of the construction of such works and all debentures issued or to be issued thereunder, which by-laws

Local improvements by-laws set out in Sched. "A" confirmed.

laws are set out in Schedule "A" to this Act, and all assessments made or to be made, and all rates levied or to be levied under the said by-laws or any of them, for the payment of the said debentures are hereby validated and confirmed.

Authority to re-
spend \$5,000
"Old Boys'
Reunion."

3. The council of the said corporation may spend out of its annual revenues a sum not exceeding \$5,000 for the purpose of aiding in defraying the expenses of the "Old Boys' Re-Union," to be held at the City of Ottawa in the year 1907 in addition to any sum heretofore authorized by this Legislature to be expended annually for the reception and entertainment of distinguished guests.

Authority to
issue debentures
for \$36,000
for purchasing
books for public
library.

4.—(1) The said corporation may borrow upon a special issue of debentures, bearing interest at such rate as the council of the said corporation may determine, and payable in twenty years from the date thereof a sum not exceeding \$36,000 to purchase books for the Public Library to be expended as follows: The sum of \$16,000 shall be spent in the year 1907, and the sum of \$5,000 shall be spent annually in each of the years 1908, 1909, 1910 and 1911.

(2) It shall not be necessary to submit any by-law for the issue of the said debentures to the ratepayers or to obtain their assent thereto.

By-law No.
2489 set out in
Sched. "B"
confirmed.

5. By-law No. 2489 of the said corporation, intituled "A by-law to authorize the issue of debentures of the City of Ottawa to the amount of \$200,000 for the purpose of acquiring the property of the Consumers' Electric Company, Limited," which by-law is set out in part in Schedule "B" to this Act, is hereby validated and confirmed and the debentures issued under the said by-law are also hereby validated and confirmed.

By-law No.
2503 set out in
Sched. "C"
confirmed.

6. By-law No. 2503 of the said corporation, intituled "A by-law to authorize the execution of a certain indenture between the Consumers' Electric Company, Limited, and the Corporation of the City of Ottawa for the purchase of the company's property," which by-law is set out in Schedule "C" to this Act, is hereby validated and confirmed.

Authority to
contract with
Hydro-Electric
Power Commission
for electrical
power, etc.

7. The said Corporation of the City of Ottawa may contract for, lease or otherwise obtain from "The Hydro-Electric Power Commission of Ontario" or from any corporation or person either in the Province of Ontario or the Province of Quebec, a supply of electrical power or energy for the use of the said corporation and the inhabitants thereof and may construct, maintain and operate all buildings, works, machinery and appliances necessary or proper for transforming, transmitting, distributing and delivering the electrical

electrical power so obtained in the said City of Ottawa and any such contract or lease may be made for a term of years not exceeding ten years in the first instance and shall be renewable from time to time for further periods not exceeding ten years in each case upon such terms and conditions as may be agreed upon.

8. In addition to the amount which the said corporation is authorized to borrow under the said Act passed in the 57th year of the reign of Her late Majesty Queen Victoria, the said corporation may from time to time with the assent of the electors as provided by *The Consolidated Municipal Acts, 1903*, with respect to by-laws for the creation of debts issue debentures payable within thirty years from the date thereof for an amount not exceeding in the whole \$500,000 and may sell or otherwise dispose of the same and apply the proceeds to purchase or lease and to develop a water power or water privilege situate in Ontario or Quebec, and to acquire lands which may be deemed necessary and to construct and erect all works, machinery, plant and appliances, lines of wire, poles, tunnels, conduits and other works for the development of such water power or water privilege and the production, transmission and delivery of electrical power or energy therefrom.

Authority to borrow \$500,000 for purchase of water power. ¶

9. The rates to be charged by the said corporation for the supply of electric lighting and heating or electrical power or energy shall at all times be subject to the approval and regulation of "The Hydro-Electric Power Commission," and the said Power Commission may from time to time for that purpose examine the books of the said corporation and proceed as provided by section 19 of *The Act to provide for the Transmission of Electrical Power to Municipalities*.

Rates to be subject to regulation of Power Commission.

6 Edw. VII., c. 15.

SCHEDULE "A"

BY-LAWS TO AUTHORIZE THE ISSUE OF DEBENTURES TO DEFRAY THE RATEPAYERS' SHARE OF COST OF CERTAIN LOCAL IMPROVEMENT WORKS.

| No. of By-law. | Nature of work under By-law. | When passed by Council. | Total cost of work. | Amount to be borne by City. | Amount to be borne by ratepayers. | Period of payment. | Rate of interest. |
|----------------|---|-------------------------|---------------------|-----------------------------|-----------------------------------|--------------------|-------------------|
| 2563 | Concrete sidewalks..... | 4 June 1906..... | 13,321 56 | 6,782 00 | 6,539 56 | 10 years.... | 4 per cent. |
| 2564 | Concrete sidewalks..... | 4 June 1906..... | 21,716 41 | 11,947 81 | 9,768 60 | 10 " | 4 " |
| 2565 | Concrete sidewalks..... | 4 June 1906..... | 39,950 10 | 19,640 28 | 20,309 82 | 10 " ... | 4 " |
| 2566 | Plank sidewalks..... | 4 June 1906..... | 79 75 | 42 25 | 37 50 | 5 " | 4 " |
| 2567 | Tar macadam roadways..... | 4 June 1906..... | 12,395 72 | 6,255 39 | 6,140 33 | 10 " | 4 " |
| 2568 | Bitulithic and tar, macadam roadways..... | 4 June 1906..... | 15,501 70 | 6,507 63 | 8,994 07 | 10 " | 4 " |
| 2569 | Sewer..... | 4 June 1906..... | 1,350 25 | 439 64 | 910 61 | 20 " | 4 " |
| 2570 | Sewers..... | 4 June 1906..... | 11,026 44 | 2,717 49 | 8,308 95 | 20 " | 4 " |
| 2571 | Street opening..... | 4 June 1906..... | 2,173 00 | 1,448 67 | 724 33 | 20 " | 4 " |

BY-LAWS TO AUTHORIZE THE ISSUE OF DEBENTURES TO DEFRAY THE CITY'S SHARE OF CERTAIN LOCAL IMPROVEMENT WORKS.

| No. of By-law. | Nature of work under By-law. | When passed by Council | Amount of debt created. | Amt. to be borne by City. | Period of payment | Rate of interest. |
|----------------|--|------------------------|-------------------------|---------------------------|-------------------|-------------------|
| 2572 | Concrete sidewalks, bitulithic road-way, tar macadam roadways..... | 4 June 1906..... | 51,133 11 | 51,133 11 | 10 years..... | 4 per cent. |
| 2573 | Plank sidewalk..... | 4 June 1906..... | 42 25 | 42 25 | 5 "..... | 4 " " |
| 2574 | Sewers, Street opening..... | 4 June 1906..... | 4,605 80 | 4,605 80 | 20 "..... | 4 " " |

CUMULATIVE BY-LAWS TO AUTHORIZE THE ISSUE OF DEBENTURES CONSOLIDATING THE BROKEN AMOUNTS, BEING THE RATEPAYERS' SHARE NAMED IN CERTAIN LOCAL IMPROVEMENT BY-LAWS.

| No. of By-law. | Nature of work under By-law. | When passed by Council. | Total cost of works. | Amount to be borne by City. | Amount to be borne by ratepayers. | Period of payment. | Rate of interest. |
|----------------|--|-------------------------|----------------------|-----------------------------|-----------------------------------|--------------------|-------------------|
| 2575 | Concrete sidewalks, bitulithic & tar macadam roadways..... | 4 June 1906..... | 102,885 49 | 51,133 11 | 51,752 38 | 10 years. | 4 per cent. |
| 2576 | Sewers and Street opening..... | 4 June 1906..... | 14,549 69 | 4,605 80 | 9,943 89 | 20 " | 4 " " |

SCHEDULE 'B.'

BY-LAW No. 2489.

A By-law to authorize the issue of debentures of the City of Ottawa to the amount of \$200,000 for the purpose of acquiring the property of the Consumers' Electric Company, Limited.

Whereas under the provisions of 57 Victoria, Chapter 75, of the Statutes of the Province of Ontario, intituled "An Act Respecting the City of Ottawa," there has been conferred upon the Corporation of the City of Ottawa, amongst other powers, the power to produce, manufacture, and use and supply to others to be used, electricity for any purpose to which the same can be applied, and in connection therewith to acquire, purchase and hold such lands, water powers and machinery, easements and privileges, and to construct, purchase, manage and conduct such buildings and works as may be necessary therefor and for the purpose mentioned in the said Act, or any of them, to borrow any sums of money not exceeding \$250,000 and to issue debentures therefor payable in thirty years from the issue thereof.

And whereas it has been deemed expedient and desirable in the public interest that the said powers should be exercised.

And whereas under the provisions of a certain agreement bearing date the 17th day of June, 1901, and made between John William McRae and others representing The Consumers' Electric Company, Limited, then about to be incorporated and the said the Corporation of the City of Ottawa, the covenants contained in which agreement to be observed on the part of the said John William McRae and others the said the Consumers' Electric Company, Limited, afterwards by agreement bearing date the 30th day of April, 1903, assumed and undertook and agreed to execute and perform, the said corporation being entitled at any time during the period of twenty-three years from the said 17th day of June, 1901, to acquire all the property of the said company, both real and personal, in manner therein provided.

And whereas the said corporation has decided in exercise of the said powers to acquire the said property under the provisions of the said agreement, and in the manner therein provided, and thereafter to conduct and manage the same in connection with the production, manufacture, use and supply of electricity, and to provide for the purchase price thereof by borrowing on an issue of debentures.

And whereas in order to provide for such purchase price, it will be necessary to borrow the sum of \$200,000, and to issue debentures of the said City of Ottawa for the said sum as hereinafter provided (which is the amount of the debt intended to be created by this by-law), the proceeds of the said debentures to be applied to the said purpose and no other.

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest is the sum of \$12,200 whereof \$8,000 is to be raised annually for the payment of interest during the currency of the said debentures, and \$4,200 is to be raised annually for the purpose of creating a sinking fund for the payment of the debt secured by the said debentures.

And whereas the amount of the whole rateable property of the said City of Ottawa, according to the last revised assessment roll thereof, is \$33,002,540.

And whereas the amount of the existing debenture debt of the said municipality (exclusive of the local improvement debts secured by special rates and assessments) is \$5,188,296, of which no part of the principal or interest is in arrear.

Therefore, the Municipal Council of the Corporation of the City of Ottawa enacts as follows:—

1. The said corporation may produce, manufacture and use and supply to others to be used electricity for any purpose to which

which the same may be applied and to that end may require, hold, use and manage all the property, both real and personal, of the Consumers' Electric Company, Limited, and may reconstruct, alter, improve or extend the works, or construct new or additional works, thereon or used in connection therewith.

2. In order to provide for the purchase price thereof the sum of \$200,000 may be borrowed, and for the purpose of raising the said sum debentures of the said City of Ottawa to the amount of \$200,000 may be issued in sums of not less than \$100 each, on the fifth day of June, 1905, and shall be payable on the fifth day of June, 1935, at the office of the Treasurer of the said City of Ottawa.

3. Each of the said debentures shall be signed by the Mayor of the said City of Ottawa, or by some other person authorized by by-law to sign the same, and also by the Treasurer thereof, and the Clerk of the said City of Ottawa shall attach thereto the Corporate Seal of the municipality.

4. The said debentures shall bear interest at the rate of four per centum per annum, payable half yearly at the office of the Treasurer of the said City of Ottawa on the fifth day of June, and the fifth day of December in each and every year during the currency thereof, and shall have attached thereto coupons for the payment of the said interest, which coupons shall be signed by the Treasurer.

5. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said City of Ottawa, the said sum of \$8,000 for payment of interest on the said debentures, and the sum of \$4,200 for the purpose of creating a sinking fund for the payment of the debt hereby secured, making in all the sum of \$12,200 to be raised annually by special rate as aforesaid during each of the said thirty years.

6. This by-law shall take effect on the 5th day of June, 1905.

Given under the Corporate Seal of the City of Ottawa this fifth day of June, 1905.

Certified,

(Sgd.) JOHN HENDERSON,
(Seal) City Clerk.

(Sgd.) J. A. ELLIS,
Mayor.

SCHEDULE "C."

By-LAW No. 2503.

A by-law to authorize the execution of a certain Indenture between the Consumers' Electric Company, Limited, and the Corporation of the City of Ottawa, for the purchase of the company's property.

The Municipal Council of the Corporation of the City of Ottawa enacts as follows:—

1. That certain Indenture between the Consumers' Electric Company, Limited, and the Corporation of the City of Ottawa, bearing date the 7th day of July, 1905, for the purchase of the company's property, a copy whereof is annexed as Schedule "A" hereto, and the provisions thereof are hereby approved, confirmed and adopted.

2. His Worship the Mayor is hereby authorized and instructed to execute the said Indenture on behalf of the Corporation of the City of Ottawa and to affix thereto the Corporate Seal of the City of Ottawa, upon and after the due execution of the same by the said The Consumers' Electric Company, Limited.

Given under the Corporate Seal of the City of Ottawa, this 17th day of July, 1905.

Certified,

(Sgd.) JOHN HENDERSON,
(Seal) City Clerk.

(Sgd.) J. A. ELLIS,
Mayor.

SCHEDULE

SCHEDULE "A" TO BY-LAW NO. 2503.

This Indenture made in triplicate, the 7th day of July, in the year of Our Lord one thousand nine hundred and five, in pursuance of the Act respecting Short Forms of Conveyances, between the Consumers' Electric Company, Limited, of the First Part, and the Corporation of the City of Ottawa, of the Second Part.

Witnesseth that in consideration of 200,000 dollars of lawful money of Canada now paid by the said Party of the Second Part to the said Party of the First Part (the receipt whereof is hereby acknowledged) the said Party of the First Part doth grant unto the said Party of the Second Part in fee simple,

All and singular those certain parcels or tracts of land and premises situate, lying and being in the City of Ottawa, in the County of Carleton and Province of Ontario, and being composed of the west half of lot sixty-eight and the eastern sixteen feet in width of lot sixty-seven on the north side of Maria street (now Laurier avenue) together with the lands immediately in rear of the said half lot 68 and the said eastern sixteen feet in width of lot 67, through to the ordnance lands and more particularly described as follows:—Commencing at the southeast corner of the said west half of lot sixty-eight and extending in a northerly direction along the present Eastern limit of said half lot and a prolongation thereof a distance of 218 66-100 feet to the south eastern limit of the said ordnance lands; thence along the latter in a south westerly direction a distance of 56 75-100 feet, thence in a southerly direction parallel to the said present eastern limit of said half lot and a prolongation thereof a distance of 190 feet to the northern limit of Maria street (now Laurier avenue); thence along the latter in an easterly direction a distance of 49 25-100 feet to the place of beginning, containing, in superficies ten thousand and sixty-three and one-quarter square feet (10.063 25-100) according to a plan prepared by T. D. Slater, P. L. S., dated the 20th March, 1863.

And all the machinery and plant in the buildings thereon together also with all the poles, crossarms, wires and electrical apparatus erected by the Party of the First Part and now being on the streets of the City of Ottawa pursuant to the powers conferred by the agreement between the Party of the Second Part and J. W. McRae and others representing the Party of the First Part, dated the 17th June, 1901.

And the Party of the First Part bargains, sells, assigns, transfers and sets over unto the Party of the Second Part, its transformers, meters, lamps (arc and incandescent), cross-arms, wires, fittings, tools and electrical supplies of every kind and description whatsoever on hand on 30th April, 1905, up to the value of \$3,000; and also its office furniture and fixtures, and the lease of the premises on Sparks street now occupied by the Party of the First Part; and also the wires of the Party of the First Part now strung on the poles of the Ottawa Electric Company and such rights as the Party of the First Part may have to string further wires upon the poles of the Ottawa Electric Company.

And the Party of the First Part hereby also assigns, transfers and sets over unto the Party of the Second Part, its successors and assigns, all existing contracts for power and light entered into by the Party of the First Part with its customers; and all existing contracts for supplies with the full benefit of all agreements, stipulations and provisos in them and each of them respectively contained.

The Party of the Second Part covenants with the Party of the First Part to indemnify and save harmless the Party of the First Part from all demands of payment, actions, suits, judgments and otherwise in respect of the rent of the said Sparks street premises from the date of the delivery of possession thereof to the Party of

of the Second Part, and also in respect of the compensation payable to the Ottawa Electric Company for the use of its poles by the Consumers' Company, and also in respect of the liability of the company to deliver electricity to such customers under such contracts and to pay for supplies under contract.

The said Party of the First Part covenants with the said Party of the Second Part that it has the right to convey the said lands to the said Party of the Second Part, notwithstanding any act of the said Party of the First Part.

And that the said Party of the Second Part shall have quiet possession of the said lands free from all encumbrances.

And the said Party of the First Part covenants with the said Party of the Second Part that it will execute such further assurances of the said lands as may be requisite.

And the said Party of the First Part covenants with the said Party of the Second Part that it has done no act to encumber the said lands.

And that the said Party of the First Part releases to the said Party of the Second Part all its claims upon the said lands.

In witness whereof the said parties hereto have hereunto set their hands and seals.

CHAPTER 79.

An Act to confirm certain by-laws of the City of
Ottawa, and for other purposes.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Corporation of the City of Ottawa has by petition represented that By-laws Nos. 2610 and 2612 set out as schedules "A" and "B" hereto were finally passed by the council in accordance with section 7 of the Act passed in the 6th year of the reign of His Majesty, Chaptered 87, and that it is desirable that all doubt as to the validity of the said by-laws should be removed and has prayed that such by-laws may be validated and confirmed; and whereas it is desirable that the said corporation should be authorized to purchase and erect an asphalt paving plant and to enlarge the City Hall; and whereas the said corporation has further represented that the Canada Atlantic Railway Company has applied to the said corporation for aid and assistance towards the erection of a central union passenger station and a hotel in the said city and that the said corporation has prayed that it may be authorized to grant a fixed assessment of \$150,000 for twenty years upon the said central union passenger station to be constructed at a cost of not less than \$250,000, and a fixed assessment of \$500,000 for fifteen years upon a hotel to be constructed by the said railway company, or the Ottawa Terminals Railway Company in the said city at a cost of not less than \$1,000,000; and whereas the said corporation has prayed that an Act may be passed for the said purposes and for other purposes hereinafter set out; and whereas it is expedient to grant the prayers of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos.
2610 and 2612
of City of
Ottawa con-
firmed.

1.—(1) Subject to the provisions of subsection 2 of this section By-law Number 2610 of the Corporation of the City of Ottawa, intituled "A By-law to establish a Board of Control for the City of Ottawa," which by-law is set out in Schedule "A" to this Act, and By-law Number 2612 of the

the said corporation, intituled "A By-law for the reduction of the number of Aldermen in the City of Ottawa to two in each Ward," which by-law is set out in Schedule "B" to this Act, are validated and confirmed.

(2) Notwithstanding anything contained in the said By-law No. 2610, any person possessing the property and other qualifications as required for mayor by section 76 of *The Consolidated Municipal Act, 1903*, shall be qualified to be elected to the office of controller.

2. The said corporation may without submitting the same for the approval of the ratepayers, pass a by-law to borrow upon a special issue of debentures bearing interest at such rate as the council of the said corporation may determine payable in twenty years from the date thereof a sum not exceeding \$16,000 for the purpose of purchasing and erecting an asphalt paving plant.

Authority to borrow \$16,000 for purchase of asphalt paving plant.

3. The said corporation may with the assent of the ratepayers qualified to vote on money by-laws borrow upon a special issue of debentures bearing interest at such rate as the council of the said corporation may determine and payable in thirty years from the date thereof a sum not exceeding \$100,000 for the purpose of enlarging the city hall in the said city.

Authority to borrow \$100,000 for enlarging City Hall.

4. The said corporation may enter into an agreement with the Canada Atlantic Railway Company or the Ottawa Terminals Railway Company to grant a fixed assessment of \$150,000 for a period of twenty years on a central union passenger station to be constructed according to plans to be approved by the Governor in Council and the council of the said corporation at a cost of not less than \$250,000 and the land used in connection therewith for passenger purposes, and to stop up and convey to the said Canada Atlantic Railway Company or the Ottawa Terminals Railway Company the street ends indicated on plans heretofore submitted to the said council, and to widen Little Sussex Street from Rideau Street to Besserer Street in the said city to a width of about one hundred feet at the cost of the said corporation, provided that provision be made for a railway entrance to the said station from the north, forming a connection with the Alexandra Bridge over the Ottawa River, and provided that the work be commenced on the said station within six months after the plans thereof shall have been approved of by the Governor in Council and the council of the said corporation, and diligently prosecuted to completion, the Act of God and strikes alone excepted, upon and subject, however, to the condition that the said Canada Atlantic Railway Company or the said Ottawa Terminals Railway Com-

Power to grant fixed assessment of \$150,000 on passenger station for 20 years, and \$500,000 on hotel.

pany shall agree to also construct an hotel in the said city at a cost of not less than \$1,000,000, the said corporation also to grant a fixed assessment of \$500,000 for a period of fifteen years upon a hotel to be constructed by either of the said railway companies in the said city at a cost of not less than \$1,000,000, provided that the construction of the said hotel be commenced within six months from the official announcement by the Government of Canada of its intention to have the warehouses removed from the reserve on the west side of the Rideau Canal between Laurier Avenue West and Sparks Street, and thereafter diligently prosecuted to completion, the Act of God and strikes alone excepted, upon and subject to the condition, however, that the said Canada Atlantic Railway Company or the Ottawa Terminals Railway Company shall agree to construct a central union passenger station as hereinbefore mentioned within the time, in the manner, according to the said plans, and subject to the said conditions. Provided that should the said hotel not be commenced and completed according to the provisions of this Act the city shall be entitled to claim and recover from the Canada Atlantic Railway Company or the Ottawa Terminals Railway Company the difference between the amount of taxes paid under this Act in respect of the said station and the amount of taxes which but for this Act would have been payable in respect thereof under the provisions of *The Assessment Act*, but the city shall have no further claim against either of the said companies by reason of such default.

Power to
borrow cost of
widening Little
Sussex Street.

5. The said corporation may borrow upon a special issue of debentures bearing interest at such rate as the council of the said corporation may determine and payable in thirty years from the date thereof such sum of money as may be necessary to provide for the cost of the said widening of Little Sussex Street from Rideau Street to Besserer Street in the said city and the payment of all consequential and other damages in connection therewith.

Assent of
electors not
required.

6. Any by-laws for the purposes of the two immediately preceding sections may be finally passed with the assent of three-quarters of the members of the said council present and voting, and without submitting the same for the approval of the ratepayers.

SCHEDULE "A."

BY-LAW No. 2610.

A By-law to Establish a Board of Control for the City of Ottawa.

Whereas by an Act of the Province of Ontario, being Chapter 87 of the Statutes of Ontario, 1906, section 7, the Council of the Corporation

Corporation of the City of Ottawa is empowered to provide by by-law for the providing of a Board of Control for the said City of Ottawa, upon certain conditions contained therein;

And whereas a majority of the electors qualified to vote at municipal elections in the said municipality held on the 7th day of January, 1907, have voted in the affirmative on the question submitted to them for the above purpose as provided by said Act, and all other conditions contained in said Act have been complied with;

Therefore the Municipal Council of the Corporation of the City of Ottawa enacts as follows:—

1. That from and after the municipal elections next ensuing in the City of Ottawa after the passing of this by-law, the Council of the Corporation of the City of Ottawa shall consist of four controllers to be elected from the city at large in addition to the mayor and aldermen, and that the controllers so elected together with the mayor shall be the Board of Control for the City of Ottawa.

2. The election of the said controllers shall be governed by subsections (2), (3), (4), (5) and (6) of section 276b of *The Consolidated Municipal Act, 1903*, as amended by sections 12, 13 and 14 of *The Municipal Amendment Act, 1905*.

3. Each of the said controllers other than the mayor, shall be paid a salary not exceeding \$400 per annum.

Given under the corporate seal of the City of Ottawa, this 21st day of January, A. D. 1907.

Certified.

(Signed) D'ARCY SCOTT,
Mayor.

(Signed) JOHN HENDERSON,
City Clerk.

SCHEDULE "B."

BY-LAW No. 2612.

A By-law for the Reduction of the Number of Aldermen in the City of Ottawa, to two in each Ward.

Whereas by an Act of the Province of Ontario, being Chapter 87 of the Statutes of Ontario, 1906, section 7, the Council of the Corporation of the City of Ottawa is empowered to provide by a by-law for the establishment of a Board of Control for said municipality, with the consent of the majority of the electors duly qualified to vote at municipal elections voting therefor as well as to reduce the number of aldermen in said municipality to two for each ward;

And whereas a majority of the said electors qualified to vote at the elections held on the 7th day of January, A. D. 1907, did vote in the affirmative on the question submitted to them for the purposes aforesaid;

Therefore the Municipal Council of the Corporation of the City of Ottawa enacts as follows:—

1. At the municipal elections next ensuing after the final passing of this by-law the aldermen to be elected to the municipal council shall consist of two aldermen for each ward to be elected as heretofore as provided by *The Municipal Act, 1903*, and amendments thereto.

Given under the corporate seal of the said City of Ottawa, this 4th day of February, A. D. 1907.

Certified.

(Signed) D'ARCY SCOTT,
Mayor.

(Signed) JOHN HENDERSON,
City Clerk.
CHAPTER

CHAPTER 80.

An Act to confirm By-law No. 33 of the Board of Trustees of the Roman Catholic Separate Schools for the City of Ottawa.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Board of Trustees of the Roman Catholic Separate Schools for the City of Ottawa have by their petition represented that the Board, on the thirteenth day of August, 1906, passed their By-law Number 33 authorizing the issue of debentures under the provisions of *The Separate Schools Act* to the amount of \$105,000, payable in thirty annual instalments and bearing interest at the rate of four and one-half per cent. per annum payable half yearly, and it was enacted by the said by-law that the same should take effect and come into operation from the fourteenth day of December, 1906; and whereas doubts have been expressed in regard to the said by-law by reason of the last debenture being made payable on the fifteenth day of December, 1936, and because the said by-law instead of providing for a specific sum being levied in each year provides for the levy in each year of a sufficient amount to meet the debentures and interest as the same fall due; and have further represented that the said by-law was published for three successive weeks in four newspapers published in the City of Ottawa, and that upwards of three months have expired since such publication and that no application has been made to quash or set aside the said by-law or any part thereof; and have prayed that the said by-law may be confirmed and declared valid and binding, and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 33,
set out in
Schedule "A,"
confirmed.

1. The said By-law Number 33 which is set out in full in Schedule "A" to this Act is hereby ratified and confirmed and the said by-law and the debentures issued or to be issued thereunder are declared legal, valid and binding according to the terms thereof notwithstanding any defect in substance or form of the said by-law or in the manner of passing the same.

BY-LAW

BY-LAW No. 33.

A by-law to raise by way of loan the sum of one hundred and five thousand dollars for the purposes therein mentioned;

Whereas the board of trustees of the Roman Catholic Separate Schools for the City of Ottawa require the sum of one hundred and five thousand dollars to be paid for school sites, school buildings and additions thereto, in the said City of Ottawa, for the use and purposes of the said board, namely: The construction of a new school, called Brebeuf school, for the sum of \$28,600.00; the construction of a new school called St. Peter's school, for the sum of \$20,000.00; the construction of an addition to St. Jean Bte. school for the sum of \$25,500.00; the construction of an addition to St. Agatha school for the sum of \$5,500.00; repairs to Guigues school, for the sum of \$7,000.00; repairs to St. Joseph's school, for the sum of \$4,000.00; furniture and other school purposes, for same schools, for the sum of \$14,400.00;

And whereas to carry into effect the said recited object it will be necessary for the said board to raise the sum of one hundred and five thousand dollars in the manner herein mentioned, be it therefore enacted by the board of trustees of the Roman Catholic Separate Schools for the City of Ottawa:

1. That it shall be lawful for the chairman of the said board to raise by way of loan, from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of the debentures hereinafter mentioned, the sum of one hundred and five thousand dollars, and to cause the same to be paid into the hands of the secretary-treasurer of the said board for the purpose and with the object above recited.

2. That it shall be lawful for the said board to cause any number of debentures to be made for such sums of money as may be required, not less than one hundred dollars each, and not exceeding in the aggregate the said sum of one hundred and five thousand dollars, and that the said debentures shall be sealed with the seal of the board of trustees of the Roman Catholic Separate Schools for the City of Ottawa, placed thereto by the chairman of the said board, and signed by the said chairman and countersigned by the secretary-treasurer of the said board.

3. The said debentures shall have the effect and be in the form declared by *The Separate Schools Act*, being chapter 294 of the Revised Statutes of Ontario, 1897.

4. The said debentures shall be made payable in thirty years at the furthest from the date hereinafter mentioned for this by-law to take effect at the office of the Imperial Bank in the said City of Ottawa, or in the City of Montreal, at the option of the bond holders, and shall have attached to them coupons for the payment of the half-yearly interest.

5. That the said debentures shall bear interest at the rate of four and one-half per cent. from the date thereof, which interest shall be payable half-yearly on the fifteenth day of the months of June and December in each year after this by-law takes effect, during the currency of such debentures.

6. Hereafter and during the currency of the said debentures, there shall be included in the yearly separate school rate of the said board, the various sums named and specified in the annexed schedule, as covering the interest on the said debentures and also the various sums named and specified, to be realized annually for the payment of the principal of the said debentures, which specific sums shall be sufficient to discharge the said debentures upon their maturity.

7. That the said debentures shall during the currency thereof be a lien and a charge in favor of the holders thereof, on all the school-house property and premises, and particularly those hereinbefore specially mentioned, and upon all other the real and personal property vested in the said board, and also upon the separate school rates of the said board.

8. That the said board shall keep in their books two separate accounts, one for the sums included in the yearly separate school rates under this by-law, and one for the sinking fund, to be both distinguished from all other accounts in the books of the said board, and shall keep the said accounts with any other that are necessary, so as to exhibit at all times the state of said loan or debt and the amount of money raised, obtained and appropriated for the payment thereof.

9. Said board shall, from time to time, pay the half-yearly interest of the said debentures as the same falls due, out of the sums included in the yearly separate school rates of the said board for that purpose.

10. This by-law shall take effect and come into operation from the fourteenth day of December, 1906.

11. This by-law, before being acted upon, shall be published for at least three successive weeks in *The Citizen, Free Press, Journal and Le Temps*, or either of them, newspapers published weekly in the City of Ottawa aforesaid.

Given under the corporate seal of the board of trustees of the Roman Catholic Separate Schools for the City of Ottawa, and signed by the chairman and secretary-treasurer of the said board, this 13th day of August, 1906.

(Sgd.) P. M. COTE, Chairman.

(Sgd.) A. McNICOLL, Secretary-Treasurer.

Ottawa Schools:—Issue of \$105,000.00 at $4\frac{1}{2}$ per cent. interest redeemable in 30 years. Annuity of \$6,446.11. Dated Dec. 14th, 1906. Interest payable semi-annually and part of capital annually:

| Date of Payments. | Amount payable. | Interest at $4\frac{1}{2}$ p.c. | No. of Bonds | Sums to be realized annually for payment of principal. | Balance of capital due. |
|-------------------|-----------------|---------------------------------|--------------|--|-------------------------|
| June 15, 1907, | 2,362 50 | 2,362 50 | ... | ... | ... |
| Dec. 15, 1907, | 4,062 50 | 2,324 25 | 1 | 1,700 00 | 105,000 00 |
| June 15, 1908, | 2,324 25 | 2,324 25 | ... | ... | ... |
| Dec. 15, 1908, | 4,124 25 | 2,324 25 | 2 | 1,800 00 | 103,300 00 |
| June 15, 1909, | 2,283 75 | 2,283 75 | ... | ... | ... |
| Dec. 15, 1909, | 4,183 75 | 2,283 75 | 3 | 1,900 00 | 101,500 00 |
| June 15, 1910, | 2,241 00 | 2,241 00 | ... | ... | ... |
| Dec. 15, 1910, | 4,141 00 | 2,241 00 | 4 | 1,900 00 | 99,600 00 |
| June 15, 1911, | 2,198 25 | 2,198 25 | ... | ... | ... |
| Dec. 15, 1911, | 4,298 25 | 2,196 25 | 5 | 2,100 00 | 97,700 00 |
| June 15, 1912, | 2,151 00 | 2,151 00 | ... | ... | ... |
| Dec. 15, 1912, | 4,251 00 | 2,151 00 | 6 | 2,100 00 | 95,600 00 |
| June 15, 1913, | 2,103 75 | 2,103 75 | ... | ... | ... |
| Dec. 15, 1913, | 4,403 75 | 2,103 75 | 7 | 2,300 00 | 93,500 00 |
| June 15, 1914, | 2,052 00 | 2,052 00 | ... | ... | ... |
| Dec. 15, 1914, | 4,352 00 | 2,052 00 | 8 | 2,300 00 | 91,200 00 |
| June 15, 1915, | 2,000 25 | 2,000 25 | ... | ... | ... |
| Dec. 15, 1915, | 4,400 25 | 2,000 25 | 9 | 2,400 00 | 83,900 00 |
| June 15, 1916, | 1,946 25 | 1,946 25 | ... | ... | ... |
| Dec. 15, 1916, | 4,546 25 | 1,946 25 | 10 | 2,600 00 | 86,500 00 |
| June 15, 1917, | 1,887 75 | 1,887 75 | ... | ... | ... |
| Dec. 15, 1917, | 4,587 75 | 1,887 75 | 11 | 2,700 00 | 83,900 00 |
| June 15, 1918, | 1,827 00 | 1,827 00 | ... | ... | ... |
| Dec. 15, 1918, | 4,267 00 | 1,827 00 | 12 | 2,800 00 | 81,200 00 |
| June 15, 1919, | 1,764 00 | 1,764 00 | ... | ... | ... |
| Dec. 15, 1919, | 4,664 00 | 1,764 00 | 13 | 2,900 00 | 78,400 00 |
| June 15, 1920, | 1,698 75 | 1,698 75 | ... | ... | ... |
| Dec. 15, 1920, | 4,698 75 | 1,698 75 | 14 | 3,000 00 | 75,500 00 |
| | | | | | Date |

| Date of Pay- ments. | Amount payable. | Interest at $4\frac{1}{2}$ p.c. | No. of Bonds | Sums to be realized an- nually for payment of principal. | Balance of capital due. |
|------------------------|--------------------|------------------------------------|--------------|--|----------------------------|
| June 15, 1921, | 1,631 25 | 1,631 25 | ... | ... | ... |
| Dec. 15, 1921, | 4,831 25 | 1,631 25 | 15 | 3,200 00 | 72,500 00 |
| June 15, 1922, | 1,559 25 | 1,559 25 | ... | ... | ... |
| Dec. 15, 1922, | 4,859 25 | 1,559 25 | 16 | 3,300 00 | 69,300 00 |
| June 15, 1923, | 1,485 00 | 1,485 00 | ... | ... | ... |
| Dec. 15, 1923, | 4,985 00 | 1,485 00 | 17 | 3,500 00 | 66,000 00 |
| June 15, 1924, | 1,406 25 | 1,406 25 | ... | ... | ... |
| Dec. 15, 1924, | 5,006 25 | 1,406 25 | 18 | 3,600 00 | 62,500 00 |
| June 15, 1925, | 1,325 25 | 1,325 25 | ... | ... | ... |
| Dec. 15, 1925, | 5,125 25 | 1,325 25 | 19 | 3,800 00 | 58,900 00 |
| June 15, 1926, | 1,239 75 | 1,239 75 | ... | ... | ... |
| Dec. 15, 1926, | 5,239 75 | 1,239 75 | 20 | 4,000 00 | 55,100 00 |
| June 15, 1927, | 1,149 75 | 1,149 75 | ... | ... | ... |
| Dec. 15, 1927, | 5,349 75 | 1,149 75 | 21 | 4,200 00 | 51,100 00 |
| June 15, 1928, | 1,055 25 | 1,055 25 | ... | ... | ... |
| Dec. 15, 1928, | 5,355 25 | 1,055 25 | 22 | 4,300 00 | 46,900 00 |
| June 15, 1929, | 958 50 | 958 50 | ... | ... | ... |
| Dec. 15, 1929, | 5,558 50 | 958 50 | 23 | 4,600 00 | 42,600 00 |
| June 15, 1930, | 855 00 | 855 00 | ... | ... | ... |
| Dec. 15, 1930, | 5,555 00 | 855 00 | 24 | 4,700 00 | 38,000 00 |
| June 15, 1931, | 749 25 | 749 25 | ... | ... | ... |
| Dec. 15, 1931, | 5,619 25 | 749 25 | 25 | 4,900 00 | 33,300 00 |
| June 15, 1932, | 639 00 | 639 00 | ... | ... | ... |
| Dec. 15, 1932, | 5,839 00 | 639 00 | 26 | 5,200 00 | 28,400 00 |
| June 15, 1933, | 522 00 | 522 00 | ... | ... | ... |
| Dec. 15, 1933, | 5,922 00 | 522 00 | 27 | 5,400 00 | 23,200 00 |
| June 15, 1934, | 400 50 | 400 50 | ... | ... | ... |
| Dec. 15, 1934, | 6,000 00 | 400 50 | 28 | 5 600 00 | 17,800 00 |
| June 15, 1935, | 274 50 | 274 50 | ... | ... | ... |
| Dec. 15, 1935, | 6,274 50 | 274 50 | 29 | 6,000 00 | 12,200 00 |
| June 15, 1936, | 139 50 | 139 50 | ... | ... | ... |
| Dec. 15, 1936, | 6,339 50 | 139 50 | 30 | 6,200 00 | 6,200 00 |
| <hr/> | | | | | |
| | | | | | \$105,000 00 |

NOTICE.

The above is a true copy of a by-law passed by the board of trustees of the Roman Catholic Separate Schools for the City of Ottawa, on the 13th day of August, 1906, and all persons are required to take notice that if no application to quash such by-law shall be made for three months after the publication thereof for three successive weeks in *The Citizen, Free Press, Journal and Le Temps*, or either of them, newspapers published in the City of Ottawa, being the city in which said separate schools are situated, the said by-law shall, as in the case of a municipal by-law be valid, notwithstanding any want of substance or form in the said by-law, or in the time or manner of passing the same, as provided by the statute in that behalf.

And take notice that the first day of such publication and of said successive weeks shall be the 16th day of August, 1906.

Signed and given in pursuance of the resolution of the said board, bearing even date with said by-law, by us, chairman and secretary-treasurer of the said board, this thirteenth day of August, 1906.

P. M. COTE,

Chairman.

A. McNICOLL,

Secretary-Treasurer.

CHAPTER

CHAPTER 81.

An Act respecting By-law No. 558 of the County of Oxford.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Municipal Corporation of the County of Oxford has by petition prayed that an Act may be passed to legalize and confirm By-law No. 558 of the said county being a by-law "To designate certain roads in the County of Oxford as highways to be improved and to amend By-law No. 519"; and whereas it appears that the municipal council of the said county did on the 8th day of February, 1904, pass By-law No. 519 to raise by way of loan \$35,000 to be paid to the several toll-road owners in the county for the purpose of abolishing the tolls, and to provide for the improvement of certain roads in the county by way of county appropriation; and whereas the said by-law among other things provided that the toll roads purchased under the said by-law should be maintained by the councils of the townships in which the same are situate and that the council of the said county should for twenty years make an annual appropriation of not less than \$30 per mile for the improvement of certain specified and selected public highways including the mileage of the toll roads purchased in the several township municipalities and in the county subject to the conditions set out in the said by-law; and whereas it appears that it has been found expedient to abandon the method prescribed in the said by-law for the maintenance of the said roads and that the same should be assumed and maintained by the corporation of the county; and whereas it has further been found expedient that certain roads should be included in the scheme of road improvement in the said county; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 558 of the Municipal Corporation of the County of Oxford being a by-law "To designate certain roads in the County of Oxford as highways to be improved and to amend By-law No. 519" as set out in the schedule to this Act is confirmed and declared to be legal, valid and binding upon the corporation of the said county and the ratepayers thereof.

By-law No.
558 confirmed.

2. The highways described in the schedule to the said By-law No. 558 shall be deemed to be assumed by the Corporation of the County of Oxford and shall hereafter be maintained and kept in repair by the said corporation and all sums required therefor shall be raised and levied by general county rate upon the property in the several municipalities of the said county not separated therefrom for municipal purposes.

Highways to
be assumed
and maintain-
ed by county.

SCHEDULE "A."

BY-LAW No. 558.

To designate certain Roads in the County of Oxford as Highways to be improved, and to amend By-law No. 519.

Whereas the Municipal Council of the County of Oxford, did on the 8th day of February, 1904, pass By-law No. 519, to raise by way of loan \$35,000 to be paid to the several toll road owners in the county for the purpose of abolishing the tolls and to provide for the improvement of certain roads in the county by way of county appropriation;

And whereas the said by-law among other things provided that the sum of \$2,575.36 should be raised and levied annually from the municipalities in the said county in accordance with the schedule set out in the by-law for the purpose of paying the said debentures;

And whereas by the said by-law it was further provided that the toll roads purchased under the said by-law should be maintained by the councils of the said townships in which the same are situate, and that the Council of the County of Oxford should for twenty years make an annual appropriation of not less than \$30 per mile for the improvement of certain specified and selected public highways in the several township municipalities in the county subject to the conditions set out in the said by-law;

And whereas it has been found expedient to abandon the method prescribed in the said by-law for the maintenance of the said roads and that the same should be assumed and maintained by the corporation of the county;

And whereas it has further been found expedient that several other roads should be included in the scheme of road improvement in the said county;

Therefore the Municipal Council of the Corporation of the County of Oxford enacts as follows:—

1. The highways set out and described in the schedule and shown on map hereto attached are designated as the highways to be improved in the County of Oxford within the meaning of *The Act for the Improvement of Public Highways*, passed in the first year of His Majesty's reign, chapter 32.

2. The said highways are assumed by and shall hereafter be maintained and kept in repair by the Corporation of the County of Oxford.

3. There shall be levied and raised by general county rate in each year a sum sufficient to maintain the said highways and keep the same in repair.

4. During the currency of the debentures issued under the authority of the said By-law No. 519 there shall be levied and raised annually by special rate as provided in clause six of By-law 519 and the schedule therein contained, the sum of \$2,575.36 to meet the payments on account of principal and interest falling due upon the said debentures.

5. The 9th, 10th, 11th, 12th and 13th sections of the said By-law No. 519 are repealed.

6. The Legislature of Ontario shall be memorialized by this council to legalize and confirm this by-law and to authorize the payment to the County of Oxford of its share of the sum set apart under the said *Act for the Improvement of Public Highways*, and this by-law shall not take effect or come into operation until so legalized and confirmed.

Read a third time and passed, this 8th day of March, 1907.

(Sgd.) WM. HOLMES,

Warden,

County of Oxford.

(Sgd.) JAMES WHITE,

Clerk,

County of Oxford.

(Seal).

SCHEDULE OF COUNTY ROADS.

Commencing at the westerly limit of the Township of West Oxford, thence to the western limit of the Town of Ingersoll, thence from the eastern boundary of the Town of Ingersoll to the western boundary of the City of Woodstock, thence from the eastern boundary of the City of Woodstock to the Village of Eastwood, thence southeasterly through the Township of East Oxford to a point on the boundary line between East Oxford and Burford, in the fourth concession, hitherto known as the Woodstock and Ingersoll Gravel Road.

Commencing on the boundary line between Ingersoll and the Township of North Oxford, running northwesterly to the boundary between North Oxford and East Nissouri, hitherto known as the Ingersoll and Thamesford Gravel Road.

Commencing on the boundary line between Ingersoll and the Township of North Oxford, running northerly to the boundary between the Township of North Oxford and the Township of West Zorra, thence westerly to the boundary between the Township of West Zorra and East Nissouri, hitherto known as the Ingersoll and Northern Gravel Road.

Commencing at Grand Trunk Railway crossing at Beachville, to the south boundary of the Village of Embro, thence from the northern boundary of the Village of Embro north to the boundary line between the Township of West Zorra and the Township of Downie, hitherto known as the North Oxford and West Zorra Gravel Road.

Commencing at the boundary line between North Oxford and East Nissouri in the tenth concession of East Nissouri, thence north to the boundary line between East Nissouri and Downie.

Commencing at the boundary line between North Oxford and East Nissouri, in the twelfth concession of the Township of East Nissouri, thence north along the twelfth concession to the boundary between East Nissouri and Downie.

Commencing

Commencing at town line between West Zorra and East Nis-souri between lots 15 and 16, thence east to the fourth line of West Zorra.

Commencing at Harrington School House, between lots 30 and 31 West Zorra, thence east to town line between East and West Zorra.

Commencing at a point on the fourth concession of West Zorra between lots 20 and 21, thence east to the boundary between East Zorra and Blandford.

Commencing at the boundary between Blandford and the City of Woodstock, thence north along twelfth line of East Zorra to a point in lot 34, thence northeasterly to the Village of Tavistock.

Commencing at the southern boundary of the Township of Blandford, running northerly between lots 6 and 7 to the fourth concession.

Commencing at the seventh concession line where it intersects the boundary line between East Zorra and Blandford, running easterly along the seventh line of Blandford to lots 6 and 7, thence northerly to the thirteenth concession line.

Commencing on the eleventh concession line of Blandford at lot 5 running easterly to the Village of Bright, continuing along the eleventh concession of Blenheim to the west quarter town line, thence northerly to the Village of Plattsville, thence westerly along the 13th concession line to the boundary line between Blenheim and Blandford.

Commencing at the Village of Plattsville and running along the thirteenth line east to the Village of Washington, thence southerly along the middle town line to the second concession line.

Commencing on the tenth line of Blenheim where it intersects the middle town line to eastern boundary between Blenheim and North Dumfries.

Commencing on the eighth concession line of Blenheim where said line intersects the middle town line running easterly to the east quarter town line, thence southerly to the fifth concession line.

Commencing on the fifth concession line of Blenheim where said line intersects the middle town line running easterly to the boundary line between Blenheim and South Dumfries.

Commencing on the second concession line of Blenheim where said line intersects the middle town line, running westerly to the boundary between Blenheim and Blandford.

Commencing at a point on the town line between East Zorra and South Easthope, thence south along the sixteenth line of East Zorra to the boundary between East Zorra and Blandford, and continue along side line between lots 12 and 13 of the Township of Blandford to Governor's Road.

Commencing at the Governor's Road at a point between North Oxford and West Zorra, thence north along the fourth line of West Zorra to Cody's Corners, thence east between lots 5 and 6 to the eleventh concession of East Zorra, thence south to the boundary line between East Zorra and Blandford.

Commencing at the boundary line between Dereham and Bayham, thence north along road known as the Ingersoll and Dereham Gravel Road to the boundary line of the Town of Ingersoll.

Commencing at a point on boundary between Tillsonburg and Dereham, thence north and northwesterly along road known as the Ingersoll and Port Burwell Gravel Road to the boundary between Ingersoll and West Oxford.

Commencing at a point on the town line between Dereham and Bayham between lots 14 and 15, thence north along middle town line of Dereham intersecting with Ingersoll and Port Burwell Gravel Road.

Commencing

Commencing at a point on the boundary between Dereham and the Town of Tillsonburg, thence east and north along roads known as the tenth concession of Dereham and New Road, South Norwich, to west quarter town line, thence north to the Village of Springford, thence east along eighth concession of South Norwich to east quarter town line, thence north along said road to the Village of Norwich.

Commencing at a point on coal road between South Norwich and Middleton, thence northwesterly to the eighth concession of South Norwich.

Commencing at the southern boundary of the City of Woodstock, running southerly through the Township of East Oxford about five miles (hitherto known as the Woodstock and Norwich Gravel Road), thence continue in a southerly direction where it intersects the boundary line between East Oxford and North Norwich, thence southerly until it intersects the first concession line of the Township, thence easterly along said concession line where it intersects the middle town line, thence southerly to a point where it intersects the fourth concession line.

Commencing on the fourth concession line where the same intersects the west quarter town line, thence easterly along the said fourth concession line to the boundary line between North Norwich and the Village of Norwich, then commence again at eastern boundary of the Village of Norwich along the fourth concession line to the boundary line between North Norwich and the Township of Windham.

Commencing at the northern boundary of the Village of Norwich on the west quarter town line, running northerly through North Norwich to the boundary line between North Norwich and East Oxford, continuing northerly along the west quarter town line of the Township of East Oxford to a point where said quarter town line intersects the old Brantford Road.

Commencing on the third concession of the Township of North Norwich where said line intersects the east quarter town line, running easterly to a point where said line intersects the old road known as the New Dereham Road, thence northeasterly to the boundary line between North Norwich and the Township of Burford.

JAMES WHITE,
County Clerk.

CHAPTER 82.

An Act respecting the City of Peterborough.

Assented to 20th April, 1907.

WHEREAS the Corporation of the City of Peter-^{Preamble.}
borough has by petition represented; that the company at present doing the street lighting of the city has offered to sell to the corporation its plant used for public and private lighting and for supplying power and gas, but not including the water power of the company used for generating electricity, which water power the company refuses to sell, and if the said corporation should purchase the said plant, it will be necessary for the corporation to acquire or develop a water power to operate the same and that it is desirable that the corporation should be given authority to purchase the said plant and acquire water power or electric power and develop, receive, transmit, use and dispose of the same on such terms and conditions as to rates and otherwise as may from time to time be fixed by The Hydro-Electric Power Commission of Ontario, and to issue the debentures of the corporation to pay for same and that in the event of the purchase of the said plant and the acquisition of the said water or electric power that the control and management of the same be vested in the Peterborough Water Commissioners; that the said corporation is under the provisions of the Act passed at the second session of the Legislative Assembly, held in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 71, as amended by the Act passed in the third year of the reign of His Majesty King Edward the Seventh, chaptered 74, authorized to acquire, develop and improve water powers and to transmit and supply electric light, heat and power for all purposes within the authority of municipal corporations and that it is desirable that the said Act should be amended by providing that the said corporation should have all the rights, powers and privileges given under sections 8 and 10 of *The Act to provide for the Transmission of Electrical Power to Municipalities* to corporations which enter into contracts with The Hydro-Electric Power Commission of Ontario, sub-
ject

ject to such terms and conditions as to rates and otherwise as the said Hydro-Electric Power Commission may from time to time prescribe; that the corporation has for a number of years been constructing permanent granolithic pavements under the local improvement sections of *The Municipal Act*, but (except during the year 1906) permanent crossings at intersecting streets were not put in and it is desirable and necessary that the same should be done and the cost thereof paid by the issue of debentures of the corporation payable at the expiration of twenty years from the issue thereof and charged against the whole municipality and that the council should be authorized to have the said work done and the debentures issued to pay for same; that it is desirable in order to simplify the collection of accounts, entering into contracts and other matters of a like nature, that the water commissioners of the said City of Peterborough should be constituted a corporate body under the name of "The Peterborough Water Commissioners"; that the said water commissioners have represented to the said council that the water mains in the said city are in many cases laid along properties, the owners of which do not take water or pay anything to the revenue of the waterworks or the sinking funds or interest on the debentures issued by the municipality therefor although such properties are increased in value thereby, and that in consequence thereof the general water rates are higher than they otherwise would be and that there is now no effective way of charging any unpaid special rates against the properties benefited by mains, and have requested the council to obtain legislation to authorize the water commissioners to levy and collect a rate upon all properties fronting on streets, lanes and alleys along which water mains are laid and to provide that all special rates shall be a lien on all properties served with mains and with the right of distress and sale of said lands as in the case of taxes in arrear and unpaid, and the said council request that such legislation be granted; and whereas the said corporation has by its said petition represented that it is desirable that By-law Number 1215 to provide for the borrowing of \$35,000 for a public school, By-law Number 1221 to provide for borrowing \$7,200.63 to pay the city's proportion of the cost of granolithic sidewalks constructed in 1905, By-law Number 1223 to provide for borrowing \$8,226.59 to pay the cost of granolithic sidewalks constructed in 1905 secured by local special rates, By-law Number 1269 to provide for borrowing a further sum of \$21,000 for a Collegiate Institute, By-law Number 1270 to provide for borrowing \$13,850 for reconstructing and repairing bridges, By-law Number 1271 to provide for borrowing \$8,000 for drainage purposes in Wards Numbers 3, 4 and 5 and for making future payments under By-law Number

689 out of general taxes, and By-law Number 1272 to provide for borrowing \$1,500 for a main sewer on the right of way of the Grand Trunk Railway specified in Schedule "A" hereto, which said By-laws Numbers 1269, 1270, 1271 and 1272 were submitted to and received the assent of the duly qualified ratepayers of the said city, be ratified and confirmed; that By-law Number 1228 to fix the assessment of the Canadian General Electric Company (Limited) set out as Schedule "B" hereto be ratified and confirmed, which By-law Number 1228 fully sets out the reasons that influenced the council of the said city to pass the said by-law; that By-law Number 1232 to fix the assessment of J. J. Turner & Sons, set out as Schedule "C" hereto, be ratified and confirmed which By-law Number 1232 fully sets out the reason that influenced the council of the said city to pass the said by-law and that the said council may be authorized to pass the by-law to aid the Rapid Tool Company (Limited) by granting partial exemption from taxes and the sum of twelve hundred dollars, set out in Schedule "D" hereto, which by-law was submitted to the duly qualified ratepayers of the said city, and was carried by a majority of those who voted but did not receive the necessary majority required under the provisions of *The Municipal Act*; and whereas the value of the whole rateable property of the said city, according to the last revised assessment roll is the sum of \$6,862,591 and the existing debenture debt, exclusive of local improvement debts payable by special rates, and the debt incurred for the purchase and improvement of the waterworks is the sum of \$412,055.09, and there is no part of the principal or interest in arrear; and whereas the said corporation has prayed that an Act may be passed for the purposes aforesaid; and whereas subject as hereinafter provided it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Corporation of the City of Peterborough may, with the consent of the ratepayers to be obtained in the manner provided by *The Consolidated Municipal Act, 1903*, with respect to by-laws for the creation of debts purchase the plant, appliances and business of the Peterborough Light and Power Company, Limited, used for public and private lighting and for the supply of power and gas, or of any other company supplying electric light or electrical power or energy or gas or such part of the plant, appliances, and business of any such company as the council and company may agree upon, and the council of the said corporation may by by-law provide for the issue of debentures for the amount required to pay for any such plant, appliances and

Authority to acquire plant of Peterboro Light and Power Co. or other Company with consent of Hydro-Electric Power Commission.

and business. Provided that the powers conferred by this section shall not be exercised by the said corporation until the agreement for the purchase of any such plant, appliances and business has been submitted to and has received the approval of The Hydro-Electric Power Commission of Ontario.

Power to
manufacture,
sell, etc.,
electrical •
power and gas.

2. Notwithstanding anything in any Act contained, in case the corporation of the said city shall acquire the plant, appliances and business of The Peterborough Light and Power Company, Limited, or of any other company as aforesaid, the said corporation may manufacture, generate, receive, rent, lease, transmit, deliver, use, supply, sell, and distribute gas and electrical power or energy or either of them for all public and private purposes upon such terms and subject to such conditions as to rates and otherwise as The Hydro-Electric Power Commission of Ontario may from time to time prescribe, and the management, control and operation of such business, appliances and plant shall be vested in the Peterborough Water Commissioners who shall in respect thereto have, exercise and enjoy all the rights, powers, authorities, immunities and duties conferred on a Municipal Corporation entering into a contract with The Hydro-Electric Power Commission of Ontario, under sections 8 and 10 of *The Act to provide for the Transmission of Electrical Power to Municipalities*.

6 Edw. VII.,
c. 15.

62 Vic. (2) c. 71,
s. 2 sub. 1
amended.

3. Subsection 1 of section 2 of the Act passed at the second session, held in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 71, as amended by section 1 of the Act passed in the 3rd year of the reign of His Majesty King Edward the Seventh, Chaptered 74, is amended by striking out the words of subsection 1a between the word "Corporations" in the eighth line thereof and the word "except" in the twelfth line thereof and substituting therefor the words following: "and with the approval and subject to the direction of "The Hydro-Electric Power Commission of Ontario," to generate, transmit, deliver, receive, rent, lease, use, supply, sell and distribute electrical power or energy for all purposes, and the management, control and operation of the same shall be vested in the Peterborough Water Commissioners who shall in respect thereto have, exercise and enjoy all the rights, powers, authorities, immunities and duties conferred on a municipal corporation entering into a contract with The said Hydro-Electric Power Commission under sections 8 and 10 of *The Act to provide for the Transmission of Electrical Power to Municipalities*. Provided that the rates to be charged for the supply of electrical power or energy or electric lighting and heating shall at all times be subject to regulation by the said commission, and the said commission may
from

Proviso.

from time to time for that purpose examine the books of the said water commissioners, and proceed as provided by section 19 of the said Act.

4. In case the Corporation of the City of Peterborough shall acquire the plant, appliances and business of the said Peterborough Light and Power Company, Limited, or of any other company for the supply of electric current or energy or gas, or shall own, acquire, lease, receive or operate a water power or water powers or electric power or energy, it shall be lawful for the council of the said municipality, without the assent of the ratepayers thereof, to pass by-laws from time to time providing for and authorizing the borrowing on the credit of the municipality of any sum or sums of money not exceeding in any one year the sum of \$10,000 for the purpose of making extensions, repairs, improvements, and alterations in the said water power or water powers and gas works and the buildings, plant, machinery, poles, wires, mains and other appliances necessary for the proper supply and distribution of electrical power or energy and gas for all purposes within the municipality, and to issue the debentures of the municipality therefor, and to sell, pledge, hypothecate or dispose of same, and the provisions of sections 396, 399, 401, 429 and 431 of *The Consolidated Municipal Act, 1903*, shall apply to any such by-laws passed, or any debentures issued under the provisions thereof; Provided that any by-law passed under this section shall be submitted to and receive the approval of "The Ontario Railway and Municipal Board," and after receiving such approval the said by-law and the debentures issued or to be issued thereunder shall be legal, valid and binding.

Power to borrow from time to time sums not exceeding \$10,000 for extensions and repairs to water power and plant.

5. It shall be lawful for the council of the said corporation to construct permanent street crossings on or across any of the streets of the said city where permanent sidewalks have heretofore been constructed and from time to time to pass by-laws without the assent of the ratepayers of the municipality to authorize the issue of the debentures of the municipality payable at the expiration of twenty years from the date of the issue thereof and charged against the whole municipality to pay for the cost thereof and to sell, pledge and dispose of same and the provisions of sections 396, 399, 401, 429 and 431 of *The Consolidated Municipal Act, 1903*, shall apply to such by-laws and the debentures issued thereunder.

Authority to construct permanent street crossings.

6. The water commissioners of the City of Peterborough are hereby constituted a body corporate, under the name of "The Peterborough Water Commissioners," and the said commissioners, and their successors in office, to be elected and hold office as heretofore, shall as such body

Incorporation of Peterborough Water Commissioners.

corporate have, exercise and enjoy all the rights, powers, authorities, immunities and duties heretofore vested in, and the benefit of all by-laws passed by the said water commissioners of the City of Peterborough, and be subject to the like limitations and obligations.

Power of Water Commissioners to levy special rate on certain lands.

7.—(1) Subject to subsection 2 of this section the said water commissioners shall have power by by-law to be passed by them to levy and charge a special rate upon the several lands, lots, or parts of lots, whether occupied or vacant, fronting or abutting upon all streets, lanes and alleys in the said municipality upon which water mains from which the commissioners are willing to supply water, are laid, which special rate shall be an annual rate according to the frontage of the said lands, lots, or parts of lots, which rate shall not exceed five cents per foot for such frontage subject to the same discount for prompt payment as shall be allowed in respect of ordinary water rates for domestic use, and may, by by-law of the water commissioners, be changed from time to time, as the commissioners may determine; and the said commissioners may provide an equitable mode of assessing corner lots, triangular and other irregularly shaped pieces of land or lands unfit for building purposes where the commissioners deem it inequitable to assess the full frontage thereof, or to assess at as high a rate as other land fronting on any street; provided that upon the production by the owner or occupant using water of the receipt for the payment of the sum, rate or rent chargeable for the use thereof, or such proportion of such sum or rate or rent as shall equal such special rate for the same period, the commissioners shall remit or allow to such owner or occupant the amount so paid as a payment on account of the special rate authorized by this section; and provided also that if the sum, rate or rent paid by the owner or occupant for the use of water, as shown by the receipt therefor shall for the same period be greater than or equal to the said special rate, the commissioners shall remit to such owner or occupant the amount of said special rate.

(2) The by-law for the said special rate shall not be finally passed by the commissioners until it has been submitted to and received the approval of the majority voting thereon, of the electors entitled to vote at municipal elections, at such time and at such polling places in the several wards of the said city, and by such officers as shall be appointed by the council of the said city, for the purpose.

Employment of person to measure frontages.

8. The said water commissioners, by by-law to be passed by them, shall also have power to employ such person as they think proper to make the measurements of frontages for the purposes hereof, in cases where the frontages of the

lands, lots or parts of lots have not, in the judgment of the commissioners, been properly set out in the city assessment roll and to fix the compensation of the said person.

9. The said special rate shall be payable at the time or times during each year, fixed by the water commissioners for payment thereof, and until paid shall be a lien and charge upon the lands, tenements, lots or parts of lots against which the same are charged or assessed and arrears of such special rates may with interest thereon at the rate of ten per cent. per annum from the time of default in payment be collected in the same manner and by the same officials and by the same process as arrears of taxes are collectable under the provisions of *The Assessment Act*, and all rates and rents that may be received by the city treasurer or other officer of the said city under the above provisions shall be paid over to the said water commissioners.

Time of payment of special rate.

10. By-laws Numbers 1215, 1221, 1223, 1269, 1270, 1271 and 1272 of the Corporation of the said City of Peterborough specified in Schedule "A" hereto and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof, are hereby confirmed and declared legal, valid and binding.

By-laws specified in Sched. "A" confirmed

11.—(1) Subject to the provisions of subsection 2 of this section, By-law Number 1228, (excepting and excluding paragraph 5), of the Corporation of the said City of Peterborough, passed on the 16th day of May, 1906, intituled "A by-law to fix the assessment of the Canadian General Electric Company (Limited)" and set out as Schedule "B" hereto is hereby ratified and confirmed and declared legal, valid and binding.

By-law No. 1228 confirmed.

(2) Notwithstanding anything contained in the said by-law the lands, buildings and other property of the said company described in paragraph 3 thereof shall for school purposes be assessed and liable to taxation as though the said by-law had not been passed, and from and after the expiration of ten years from the first day of January, 1911, the said by-law shall be of no force, effect or validity.

12. By-law Number 1232 of the Corporation of the said City of Peterborough, passed on the fourth day of June, 1906, intituled "A by-law to fix the assessment of the manufacturing establishment of J. J. Turner & Sons," and set out as Schedule "C" hereto is hereby ratified and confirmed and declared legal, valid and binding according to the true intent and meaning thereof.

By-law No. 1232 confirmed.

Authority to
pass by-law set
"D."

13. It shall be lawful for the council of the said corporation to give the third reading to and finally pass the by-law set out as Schedule "D" hereto and intituled "A by-law to aid The Rapid Tool Company (Limited)" and the said by-law when so finally passed is hereby ratified and confirmed and declared legal, valid and binding according to the true intent and meaning thereof.

SCHEDULE "A."

Particulars of By-laws confirmed by section 10 of the foregoing Act.

| No. | OBJECT | When passed by Council. | Amount of debt created. | Period of payment years. | Rate of Interest percent. |
|------|---|-------------------------|-------------------------|--------------------------|---------------------------|
| 1215 | Debenture for the purchase of a site and to pay for the erection of a public school..... | May 7, 1906 | \$35,000.00 | 30 | 4 |
| 1221 | Local improvement debentures for share of cost of granolithic sidewalks constructed in 1905 payable by the Corporation. | May 8, 1906. | 7,200.63 | 20 | 4 |
| 1223 | Local improvement debentures for share of cost of granolithic sidewalks constructed in 1905 payable by local special rates..... | May 8, 1906. | 8,226.59 | 20 | 4 |
| 1269 | Debentures for a further sum to pay for the erection and equipment of a Collegiate Institute..... | Jan. 14, 1907. | 21,000.00 | 30 | 4 |
| 1270 | Debentures for reconstructing and repairing bridges..... | Jan. 14, 1907. | 13,850.00 | 20 | 4 |
| 1271 | Debentures for drainage purposes in Wards 3, 4 and 5 and providing that payments under By-law 689 shall be paid by general tax..... | Jan. 14, 1907. | 8,000.00 | 30 | 4 |
| 1272 | Debentures for constructing a main sewer on the right of way of the Grand Trunk Railway from Smith Street to Aylmer Street..... | Jan. 14, 1907. | 1,500.00 | 30 | 4 |

SCHEDULE "B."

By-Law No. 1228.

A By-law to fix the Assessment of the Canadian General Electric Company, Limited.

Passed the 16th day of May, 1906.

Whereas by By-law Number 895 of the Corporation of the City of Peterborough, the manufacturing establishment of the Canadian General Electric Company, Limited, situated upon Park Lots Numbers Fourteen, Fifteen and Sixteen in Township Lot Number Thirteen

Thirteen in the Twelfth Concession of the Township of North Monaghan, and now in the City of Peterborough, and the personal property and income of the said company were exempted from municipal taxes, except school taxes, for the period of ten years from the 1st day of January, 1901, and the assessment of same was by said by-law fixed at the sum of one hundred thousand dollars (\$100,000) for the said period of ten years;

And whereas the said Canadian General Electric Company finds it necessary to increase its manufacturing facilities in the City of Peterborough, and for that purpose has purchased additional lands adjoining the said above mentioned property and may acquire further lands in the neighbourhood of the same, and is also the owner of the property known as the Carbon and Porcelain Works, which works are part of the manufacturing establishment of the said Canadian General Electric Company, Limited, and are operated in connection therewith;

And whereas the said Canadian General Electric Company, Limited, has represented to the Council of the City of Peterborough, that if the fixed assessment herein provided for, is granted, the said company will during this present year proceed with the erection and equipment of additional buildings in the said City of Peterborough, at the cost of at least two hundred thousand dollars (\$200,000) and it is desirable and in the public interest that the same should be secured;

The Corporation of the City of Peterborough, by the Council thereof, therefore enacts as follows:—

1. This by-law shall have no force or effect unless or until the same is confirmed by the Legislature of the Province of Ontario.

2. This by-law shall have no force or effect unless and until the said Canadian General Electric Company, Limited, shall during the year 1906 commence and before the 31st day of December, 1907, complete the construction and equipment upon any real estate the said company may own in the City of Peterborough of buildings of substantial material suitable for its manufacturing business at the cost of at least two hundred thousand dollars (\$200,000). Provided always that if the erection and completion of the said buildings shall after the same have been *bona fide* entered upon be delayed by strikes or unforeseen causes, which justify the non-completion of the same during the year 1907, the time for such completion shall be extended but not beyond the year 1908, in which case the completion of the said buildings by the time limited shall be deemed a sufficient compliance with the provisions of this section.

3. Provided that the said buildings are so erected and equipped at the cost aforesaid within the said time then all and singular those certain parcels or tracts of land and premises owned by the said company, situate, lying and being in the City of Peterborough, being composed of Park Lots Numbers Fourteen, Fifteen and Sixteen in Township Lot Number Thirteen, in the Twelfth Concession of the Township of North Monaghan, now in the City of Peterborough; Lots Numbers Ten and Eleven south of Wolfe Street and west of George Street, and Lots Numbers Ten and Eleven north of Townsend Street and west of George Street, and Lots Numbers 6, 7, 8, 9, 10, 11, 12, 13, 17, 18 and 19, on the north side of Albert Street, according to Registered Plan Number Thirty for the said City of Peterborough while the same are used or held for manufacturing purposes and any land hereafter acquired by the said company adjoining or in the immediate neighbourhood of the same while used or held *bona fide* for manufacturing purposes together with all buildings, stock in trade, plant, machinery, fixtures and materials now or hereafter thereon or therein, and all other personal or other assessable property of the company for a period of twenty years, to be computed from the first day of January, 1911, shall be annually assessed for all purposes en bloc at the sum of one hundred and fifty thousand dollars (\$150,000) and no more

as a fixed assessment, including business assessment, and the said lands and premises and property shall be for such time exempt from any further assessment.

4. The assessors and other officers making such assessment are hereby authorized and required to so make their assessments and the returns and oaths of the assessor or assessors shall be amended accordingly so as to conform with the provisions of this by-law.

5. If the Legislature of the Province of Ontario should provide that for school purposes, the said lands, buildings and other property of the said company in the City of Peterborough shall be liable to assessment for school taxes and the same should be levied and collected thereon, in accordance with the provisions of the general law, then the fixed assessment on the said property real and personal of the said company within the City of Peterborough used or held for manufacturing purposes for all purposes of municipal assessment and taxes, except school taxes, is hereby fixed at the sum of one hundred thousand dollars (\$100,000) for the said period of twenty years.

6. Notwithstanding the provisions of sections 3 and 5 hereof the said lands of the Canadian General Electric Company, Limited, shall nevertheless be liable for all frontage and local improvement assessments, rates and taxes that may now and may hereafter be assessed or charged against the same, and any dwellings erected on the said lands and the land appurtenant to any said dwellings shall not be included in the fixed assessment hereunder, but such dwellings and land shall be assessed as provided by *The Assessment Act* then in force.

7. Should the said company cease to carry on its manufacturing establishment in the City of Peterborough at any time, for a period of twelve consecutive months, the said fixed assessment shall cease and the said property, real and personal of the company, shall be assessed for its full assessable value, as provided by *The Assessment Act* then in force.

8. Nothing in this by-law contained shall be taken to affect the provisions of the said By-law Number 895, which shall remain as effectual and valid as if this by-law had not been passed.

9. Notwithstanding the provisions of this by-law, all real and personal property of the said company in the City of Peterborough, other than that mentioned and described in said By-law Number 895, shall be liable to assessment and taxation in the manner provided by the general *Assessment Act*, until the fixed assessment hereby granted comes in force and effect.

10. Application shall be made by the said municipal corporation or the said company to the Legislature of the Province of Ontario to confirm and validate this by-law, and to carry the provisions thereof into effect, and if such application be made by the company the municipal corporation will give its consent thereto.

11. This by-law shall have no force or effect until the said company shall execute an undertaking agreeing not to oppose the construction of any sewers or sidewalks as local improvements that the council may desire to construct under the provisions of *The Municipal Act* relating to local improvements.

(Sgd.) HENRY BEST,

Mayor.

(Sgd.) S. R. ARMSTRONG,

Clerk.

(Seal)

SCHEDULE "C."

BY-LAW NUMBER 1232.

A By-law to fix the Assessment of the Manufacturing Establishment of J. J. Turner & Sons.

Passed the 4th day of June, 1906.

Whereas Messrs. J. J. Turner & Sons have lately extended the business carried on by them in the City of Peterborough as manufacturers of tents and awnings, and have erected a manufacturing establishment in the said City of Peterborough on part of Lot Number Three on the west side of Water Street and North of King Street, and part of Lot Number Five on the east side of George Street and North of King Street described as follows: Commencing at the southwest angle of said Lot Number Five; thence northerly along the western limit thereof forty-five feet; thence easterly in a line parallel with the southern limit of said lots, to the eastern limit of said Lot Number Three; thence southerly along the eastern limit of said Lot Number Three to the southeast angle thereof; thence westerly along said southern limit of said Lots Numbers Three and Five to the place of beginning; and continuously employ at least thirty hands therein, and have applied to the Council of the said City for a fixed assessment on the same, and the said council have agreed thereto, and to pass a by-law for that purpose subject to confirmation thereof by the Legislature.

The Corporation of the City of Peterborough by the Council thereof therefore enacts as follows:—

1. This by-law shall take effect upon and only upon the confirmation thereof by the Legislature of the Province of Ontario.

2. The assessment of the lands hereinbefore described while used exclusively for manufacturing purposes and the buildings, plant, machinery and fixtures thereon and the business assessment thereof on which taxes are to be levied shall be fixed and remain fixed while the same are so used and while at least thirty hands are employed therein for at least ten months of each year at the sum of \$6,000 for a period of ten years from the first day of January, 1907, and the return and oath of the assessor or assessors in respect thereof shall be amended accordingly, but the same shall for school purposes be and remain liable to assessment and the payment of school taxes and rates to as full an extent as if this by-law had not been passed, and the assessment for school purposes and the school rates and taxes shall be made, levied and collected thereon, in accordance with the provisions of the general law in that behalf, and the said lands shall also be liable for all frontage and local improvement assessment, rates and taxes, that may be charged against the same; provided, however, if the said J. J. Turner & Sons shall at any time within the said term of ten years fail or neglect to carry on the said manufacturing establishment and therein to employ at least thirty hands during at least ten months of each year, then such fixed assessment shall cease and the said lands, building, plant, machinery and fixtures and the business assessment thereof shall be assessed and fixed as provided by *The Assessment Act* then in force.

3. The said J. J. Turner & Sons shall, prior to the 1st day of March in each year file with the City Clerk a statutory declaration made by one of the firm who shall therein state his knowledge of the facts, proving that the said firm has complied with and is observing all the terms, conditions and provisions of this by-law, and on the neglect of the said firm to furnish such declaration

it shall be *prima facie* taken that such terms, conditions and provisions have not been performed, observed and kept, and the said fixed assessment shall cease.

(Sgd.) HENRY BEST,

Mayor.

(Sgd.) S. R. ARMSTRONG,

Clerk

(Seal)

SCHEDULE "D."

By-LAW NUMBER ———

A By-law to aid the Rapid Tool Company, Limited.

Passed the day of , 1907.

Whereas the Rapid Tool Company, Limited, proposes to establish in the City of Peterborough a manufacturing establishment for making auger bits and other tools, and to purchase the land and buildings formerly occupied by the Canadian Ultimotor Company, being parts of Lots 18, 19 and 21 south of Hunter Street east, formerly Elizabeth Street, according to corporate Plan 1A for the City of Peterborough, formerly known as the Village of Ashburnham, more particularly described as follows:—Commencing at the northwest angle of said lot 21; thence southerly along the westerly limit of said lot 21 and in line with the same extended southerly across lot 19; thence in the same direction to a point 24 links southerly from the northern boundary of said lot 18; thence easterly in a line parallel with the southern boundary of said lot 18 to the easterly boundary of said lot 18; thence northerly along the easterly boundary of said lots 18, 19 and 21 to the northeast angle of said lot 21; thence westerly along the northern boundary of said lot 21 to the place of commencement; and to erect thereon additional buildings at a cost of at least three thousand dollars, and to equip the same with the necessary plant and machinery at a cost of at least sixteen thousand dollars, and to employ therein within six months after operations are commenced at least twenty-five hands, and has applied to the Council of the City of Peterborough for aid in establishing the same by a grant of twelve hundred dollars, being the value of the said land so to be purchased, exclusive of the buildings thereon, and by granting partial exemption from taxation for a period of ten years by fixing the assessment of the said manufacturing establishment at the said sum of twelve hundred dollars;

And whereas it is desirable and in the public interest to encourage the promotion of the said industry as aforesaid;

And whereas it will be necessary to borrow the sum of twelve hundred dollars, the amount required as aforesaid, by the issue of debentures for the same, which said sum of twelve hundred dollars is the amount of the debt intended to be created by this by-law.

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll, is the sum of six million nine hundred and fifty four thousand seven hundred and thirty-one dollars (\$6,954,731);

And whereas the amount of the existing debenture debt of the municipality, exclusive of local improvement debts, but including the debt of two hundred and ninety-two thousand dollars (\$292,000) incurred for the purchase and improvement of the waterworks, is the sum of seven hundred and four thousand and fifty-five dollars and nine cents (\$704,055.09) and there is no part of the principal or interest in arrear;

And

And whereas it will require the sum of forty-eight dollars (\$48) to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this by-law for paying the interest on the said debt, and the sum of forty-two dollars and forty-five cents (\$42.45) to be raised annually during the said period for providing a sinking fund for the payment of the same at maturity; such last mentioned sum being sufficient, with the estimated interest on the investment thereof, to discharge the said debt when the same becomes due, making in all the sum of ninety dollars and forty-five cents (\$90.45) to be raised annually as aforesaid, by special rate on the whole rateable property of the municipality.

1. The Corporation of the City of Peterborough, by the council thereof, therefore enacts as follows:—

1. This by-law shall take effect on the final passing thereof.

2. It shall and may be lawful for the Corporation of the said City of Peterborough to borrow the sum of twelve hundred dollars and to issue debentures of the corporation for the same, such debentures to be sealed with the corporate seal of the City of Peterborough and to be signed by the Mayor and Treasurer and countersigned by the Secretary of the Commissioners of the Peterborough City Trust, and to be payable within twenty years after the issue thereof, and to bear interest at the rate of four per centum per annum payable half-yearly on the thirtieth day of June and the thirty-first day of December in each year, and to have coupons attached thereto for the payment of such interest; such debentures as to principal and interest to be payable at the office of the Secretary of the Commissioners of the Peterborough City Trust in the City of Peterborough.

3. There shall be raised and levied during each year of the currency of the said debentures, by special rate upon all the rateable property in the City of Peterborough liable thereto, the sum of forty-eight dollars (\$48) for payment of the interest on the said debt, and the sum of forty-two dollars and forty-five cents (\$42.45) as a sinking fund for the payment of the said debt at the maturity thereof when the said debentures become payable, making together the sum of ninety dollars and forty-five cents (\$90.45) to be raised annually for the purposes aforesaid.

4. The proceeds of the debentures to be issued under and pursuant to this by-law when sold shall be given to the Rapid Tool Company, Limited, to aid the said company in the promotion of the said manufacturing establishment by the payment of the purchase money of the said land above described upon and only upon and subject to the terms and conditions hereinafter mentioned, and until the said conditions shall have been fully performed and satisfied, the said company shall not be entitled to the said money or any part thereof or to any interest in or right to the same.

The conditions upon which the said grant shall be made are as follows:—

1. That the said company shall obtain a good title in fee simple to the said land free from all encumbrances.

2. That the said company shall on or before the 1st day of January, 1907, erect on the said land an additional building suitable for its purposes, at a cost of at least three thousand dollars, and instal in the same and in the building now on the said land at least sixteen thousand dollars' worth of plant and machinery suitable for the manufacture of auger bits and other tools, and shall on or before the said date have the said manufacturing establishment in running order and in actual operation, and shall within six months thereafter employ therein at least twenty-five hands.

3. That the said company shall execute an agreement in form approved of by the city solicitor, which may be registered against the said land, providing that the said land shall be held by the said company subject to the conditions that in the event of the same, within the period of ten years from the date of the payment over to

to the said company of the amount paid to it under the terms of this by-law, ceasing to be *bona fide* used for the manufacture of auger bits and other tools or other manufacturing business approved of by the city council substantially in accordance with the capacity thereof for the period of twelve consecutive months, or ceasing to employ in said business at least an average of twenty-five hands for at least ten months in any year, that the said land and buildings and machinery thereon shall become the absolute property of the Corporation of the City of Peterborough and free from any claim thereto or therein of the said company or its assigns; unless the said company or its assigns shall within six months after such period of twelve months for which the said land shall have ceased to be used as aforesaid, pay the Corporation of the City of Peterborough the full sum of twelve hundred dollars.

4. Provided always that if the failure to so use the said land is due to strikes or to the destruction of the buildings or machinery by fire or tempest, the time during which the said land shall so cease to be used in consequence of such strikes or destruction of the buildings or machinery (not exceeding in either case one year) shall not be counted in the said period of twelve months which entitles the corporation to the ownership of said land or to be paid the sum aforesaid.

5. Provided the said company shall erect, equip, occupy and use the said buildings on the said land within the time hereinbefore limited, the assessment of the said land used exclusively for manufacturing purposes, and the buildings, plant, machinery and fixtures thereon used exclusively for manufacturing purposes on which taxes are to be levied shall, except as to school taxes, be fixed and remain fixed at the sum of twelve hundred dollars for a period of ten years, commencing on the 1st day of January, 1907, and the return and oath of the assessor or assessors in respect thereof shall be amended accordingly; but the said land shall also be liable for all frontage and local improvement assessments, rate and taxes, and taxes for school purposes that may be charged against the same—provided, however, that if the said company shall at any time within the said term of ten years fail or neglect to carry on the said manufacturing business as above provided for the time above stated, or shall fail or neglect to carry out any of the terms of this by-law or shall not have in its employment in said business at least an average of twenty-five hands for at least ten months in the year, then such fixed assessment shall cease and the said lands, buildings, plant, machinery and fixtures shall be assessed as provided by *The Assessment Act* then in force, and further provided that in the event of any petition being presented to the council for any local improvement or the city council desiring to construct any such work, the said company will not take any action to oppose such petition or work, an agreement to this effect to be furnished by the company.

6. The said company shall prior to the 1st day of March in each year file with the City Clerk a statutory declaration made by an officer of the company who shall therein state his knowledge of the facts, proving that the company has complied with and is observing all the terms, conditions and provisions of this by-law and those contained in the said agreement, and on neglect of the said company to furnish such declaration it shall be *prima facie* taken that such terms, conditions and provisions have not been performed, observed and kept.

7. The votes of the electors of the City of Peterborough qualified to vote upon a by-law for creating debts shall be taken upon this by-law on the same day as the annual election for the municipal council for the year 1907, and the polls will be held during the same hours, at the same places and by the same deputy returning officers and poll clerks as are appointed and fixed for the said annual municipal elections.

8. The 8th day of January, 1907, at the hour of twelve o'clock noon, and the City Clerk's office are hereby fixed as the time when, and the place where, the Clerk will sum up the number of votes given for and against the by-law.

9. The 5th day of January, 1907, at the hour of twelve o'clock noon and the office of the City Clerk are hereby fixed as the time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the Clerk respectively, on behalf of the persons interested in and promoting or opposing the passing of the by-law respectively.

Mayor.

Clerk.

CHAPTER 83.

An Act to Incorporate the City of Port Arthur
and for other purposes.*Assented to 20th April, 1907.*

WHEREAS the Municipal Corporation of the Town of Preamble.
Port Arthur has, by its petition, represented that the said town now contains over 12,000 inhabitants and that the population is rapidly increasing, and that by reason of such increase and its extensive railway interests and facilities, and its mercantile, manufacturing, shipping and transportation trade the said town is now and will continue to be an important commercial centre, and that it is in the interests of the said corporation that the said town should be erected into a city to be called the "City of Port Arthur"; and whereas the said corporation was authorized by section 19 of the Act passed in the third year of His Majesty's reign, Chaptered 76, to expend \$200,000 in the construction of a system of waterworks; and whereas the said sum of \$200,000 has been expended, but owing to the rapid growth of the said town a further sum of \$300,000 will be necessary to complete the said system of waterworks; and whereas By-law No. 873, set out as Schedule "A" hereto, being a by-law respecting aid by bonus or loan to The Seaman, Kent Company, Limited; and By-law No. 874, set out as Schedule "B" hereto, being a by-law to authorize the guarantee of \$75,000, being the first preferential bond issue of The Meisel Manufacturing Company, Limited, were duly submitted to the ratepayers of the said town on the 7th day of November, 1906, when out of 1,376 ratepayers entitled to vote 834 voted for and 51 against By-law No. 873, and 856 voted for and 37 against By-law No. 874; and whereas it is expedient that the said by-laws and By-law No. 846, being a by-law authorizing the issue of debentures for the amount of \$43,000 for sewer purposes should be ratified and confirmed; and whereas it is expedient that the sum to be raised annually for a sinking fund under By-law No. 870, set out as Schedule "C," authorizing the issue of debentures for \$50,000 to pay for the extension of the waterworks system, should be reduced from \$891.51

\$891.51 to \$500; and whereas the value of the whole rateable property of the said town, according to the last revised assessment roll, is \$7,092,029, and the existing debenture debt of the said town, exclusive of local improvement debts, is \$1,276,450.77; and whereas the said corporation has prayed that an Act may be passed for the purposes above mentioned; and whereas it is expedient to grant the prayers of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation
of City of Port
Arthur.

1. On and after the passing of this Act, the said Town of Port Arthur shall be, and is hereby incorporated as a city, and shall be known thereafter as "The Corporation of the City of Port Arthur," and as such shall enjoy all the rights, powers and privileges of cities under *The Municipal Act*.

Wards.

2. The City of Port Arthur shall be divided as the Town of Port Arthur has heretofore been divided into three wards, to be named respectively, Ward No. 1, Ward No. 2 and Ward No. 3, and the boundaries or limits of the said wards respectively shall be and remain as they existed prior to the passing of this Act.

Present mayor
and council to
continue until
election of suc-
cessors.

3. Subject to the provisions of subsection 3 of section 10, the present mayor and council of the said town shall be and continue to be the mayor and council of the said city, and shall hold office until the election of their successors, as provided by *The Municipal Act*, and shall exercise all the rights and powers and perform all the duties pertaining to the offices of mayor and aldermen, respectively, of a city, and in the event of the death, resignation or disqualification of the said mayor, or any member of the said council, the vacancy so created shall be filled in the manner provided in *The Municipal Act* in case of such vacancies in cities.

Present electric
railway and
light commis-
sioners to con-
tinue.

4.—(1) The Electric Railway and Light Commissioners of the said town elected or appointed under the provisions of the Act passed in the fifty-seventh year of Her late Majesty's reign, Chaptered 73, and amendments thereto, and now acting, shall continue to be the Electric Railway and Light Commissioners of the said city, and shall hold office until the election or appointment of their successors, as is hereinafter provided, and shall have and exercise all the powers, rights, authorities, immunities and duties heretofore exercised by or conferred on the Electric Railway and Light Commissioners of the said town.

(2) In case the office of any elected commissioner becomes vacant from any cause, a new election shall be held forth-

with

with after such vacancy occurs, and the person so elected shall hold his seat for the remainder of the term for which his predecessor was elected.

(3) In case a vacancy occurs from any cause in the office of any appointed commissioner, some other person shall be appointed by the council of the said city, and the person appointed shall hold office for the remainder of the term for which his predecessor was appointed.

5. The City of Port Arthur shall in all matters whatsoever stand and be in the place and stead of the Town of Port Arthur, and all property of every kind and all rights, interests, assets and effects, taxes, rates, dues, revenues, obligations and income now belonging to, or accruing due to, or which may be assessed for by the said town, shall pass, belong to and be the rights, property, assets, effects, taxes, revenues and obligations of the City of Port Arthur; and in the assessment for, and collection of all the aforesaid property and revenues of every kind the City of Port Arthur shall have as full power in its name to assess for, demand, collect and receive the same as the said town could have, and the said city shall assume and hereby assumes all bills, debts, debentures and liabilities of any and every kind now due, or contracted, or accruing due, or for which the said town but for the passing of this Act would be liable, and the same shall and may be collected and sued for, from and against the City of Port Arthur in precisely the same manner, except in the change of the name, as against the Town of Port Arthur; and all acts, matters and things whatsoever which might be lawfully done by the Town of Port Arthur, and all matters begun or initiated by the said town may be completed by the said city, the meaning and intention hereof being that in all matters and things the said city shall be and stand in the place of the said town.

Assets and obligations to be transferred to city.

6. The officers and servants of the said town shall, until superseded in or removed from office by the council of the said city, remain the officers and servants of the said city.

Present officers and servants.

7. The provisions of *The Municipal Act* relating to matters consequent on the formation of new municipal corporations and the other provisions of *The Municipal Act* aforesaid shall, except so far as is herein otherwise provided, apply to the said corporation of the City of Port Arthur in the same manner as if the said town had been erected into a city under the provisions of *The Municipal Act*.

Application of provision of 3 Edw. VII. c. 19.

8. At any election or in voting on by-laws in the said city held prior to the first day of December, 1907. the qualifications of the electors, mayor, aldermen, school trustees

Qualification at elections before Dec. 1st, 1907.

tees

tees and electric railway and light commissioners shall be the same as required in towns.

Assessment roll
and voters' lists.

9. The last revised assessment roll and the voters' list of the said town shall be the roll and voters' list to be used for any election for mayor or members of the municipal council of the said city, and for school trustees and Electric Railway and Light Commissioners until another assessment roll shall be made and finally revised and the voters' list thereunder shall have been duly made and completed.

Constitution of
council.

10.—(1) Subject to the provisions of subsection 2 of this section the council of the said city for the year 1908 and for each subsequent year shall consist of a mayor and eight aldermen, to be elected by a general vote as provided by *The Municipal Act*.

(2) Whenever on or before the fifteenth day of December in any year it has been ascertained by any general census, or by any census which may be taken by the assessor, or under a by-law of the municipality taken for that purpose, that the said city contains over 15,000 inhabitants, then at the next annual municipal election and at each subsequent annual municipal election, the council of the said city shall consist of a mayor and ten aldermen who shall be elected by a general vote, as provided by *The Municipal Act*.

(3) The council of the said city may, by by-law to be passed on or before the first day of June, 1907, provide for the election of two aldermen to serve with the present mayor and council for the balance of the year 1907, and may, by said by-law, also fix the day of nomination of candidates for the said offices and the day of polling in case a poll is required, and save as in this section provided, all the provisions of *The Consolidated Municipal Act, 1903*, shall apply to such nomination and election.

City to be part
of Judicial
District of
Thunder Bay.

11. The City of Port Arthur shall be, remain, and form part of the District of Thunder Bay for judicial purposes.

Application of
statute law and
by-laws.

12. All statutes heretofore passed and in force at the passing of this Act relating to the said Town of Port Arthur, and the Electric Railway and Light Commissioners of the said town, except as herein amended, shall remain in force and effect and be applicable to the said City of Port Arthur, and the said Electric Railway and Light Commissioners, and all by-laws in force in the said town at the passing of this Act, shall continue in force in the said city until repealed or altered by the council thereof.

13. Notwithstanding anything contained in subsection 5 of section 19 of the Act passed in the third year of His Majesty's reign, Chaptered 76, the said corporation may pass a by-law or by-laws, after the assent of the ratepayers entitled to vote thereon has been obtained, to borrow a further sum not exceeding \$300,000 in addition to the \$200,000 mentioned in the said subsection 5, for the purpose of making extensions and improvements to its waterworks system.

³ Edw. VII.
c. 76, s. 19, subs.
5 amended.

14. By-laws numbers 873 and 874 of the Municipal Corporation of the Town of Port Arthur, set out in Schedules "A" and "B" respectively to this Act, and By-law 846 of the said corporation being a by-law providing for the extension and construction of a system of sewers and for the issue of debentures for \$43,000 therefor, and all debentures issued or to be issued thereunder are confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass any or all of the said by-laws, and notwithstanding any defect in substance or in form of any or all of the said by-laws or in the manner of passing the same, and no irregularity in the form of the said debentures or of any of them shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any of them or any part thereof.

By-laws Nos.
873 and 874
of Town of
Port Arthur
confirmed.

15. The Corporation of the City of Port Arthur is hereby authorized to reduce from \$891.50 to \$500, the sum to be raised annually for the purpose of creating a sinking fund under By-law No. 870 of the said corporation, set out in Schedule "C," authorizing the issue of debentures to the amount of \$50,000 for the extension of the waterworks system; and the said By-law No. 870 is in other respects ratified and confirmed, and the said by-law as so amended as well as the debentures issued thereunder are declared legal, valid and binding upon the Corporation of the City of Port Arthur and the ratepayers thereof.

Authority to
reduce sinking
fund under by-
law No. 870 and
confirmation of

SCHEDULE "A."

TOWN OF PORT ARTHUR.

By-Law No. 873.

By-law respecting certain aid or bonus or loan to the Seaman Kent Company, Limited, and to authorize in connection therewith certain agreements with that Company.

1. Whereas the Corporation of the Town of Port Arthur purpose to enter into the agreement hereto annexed with the Seaman Kent Company, Limited, and it is expedient to make provision of the carrying out of the terms thereof, and to issue the debentures necessary for the purpose to the extent of \$18,000.00.

2. And whereas it will require the sum of \$15,000.00 for the purpose of making the said loan of \$15,000, and the sum of \$3,000.00 for purchase of water lot in the agreement mentioned, making in all the sum of \$18,000.00 to be raised annually by a special rate on the whole rateable property of the said Town of Port Arthur for the paying of the said sum of \$18,000.00 and interest on the debentures to be issued therefor.

3. And whereas the amount of the whole rateable property of the said Town of Port Arthur, according to the last revised assessment roll, is \$7,092,029.00, of which \$1,665,570.00 is wholly exempt from taxes, and \$400,000.00 are exempt except for school taxes.

4. And whereas the amount of the existing debenture debt of the said Corporation of the Town of Port Arthur is \$1,276,450.77, exclusive of local improvements, debts secured by special Acts, rates or assessments, and there is no part of the principal or interest in arrear.

Therefore the Council of the Corporation of the Town of Port Arthur enacts as follows:—

1. The Corporation of the Town of Port Arthur may enter into the said agreement and execute the same under the seal of the corporation and may carry out their terms and do all things necessary therefor.

2. That for the purpose aforesaid it shall be lawful for the mayor of the said corporation, and he is hereby authorized and empowered to cause any number of debentures of the said Corporation of the Town of Port Arthur to be made, executed and issued to the amount of \$18,000.00 in sums of not less than one hundred dollars each, which said debentures shall be signed by the mayor of the said corporation for the time being and countersigned by the treasurer for the time being of the said corporation, and duly sealed with the corporate seal thereof.

3. That the said debentures shall bear date upon and be made payable in twenty years from the day hereinafter appointed for the coming into force of this by-law, at the Ontario Bank, Toronto.

4. That the said debentures shall bear interest at the rate of five per cent. per annum from the date thereof, and such interest shall be made payable half-yearly, namely, on the first day of June and on the first day of December in each and every year during the currency of the said debentures at the said Ontario Bank, Toronto, and said debentures shall have attached thereto coupons for such half-yearly interest.

5. For the purpose of paying the said debt hereby created and the interest on the debentures to be issued therefor as aforesaid the sum of \$1,504.46 shall be raised, levied and collected in each year of and from the whole rateable property of the said Town of Port Arthur by an equal special rate, in addition to all other rates during the continuance of such debentures of which the sum of \$900.00 shall be for such interest and the sum of \$604.46 for a sinking fund for the ultimate payment of the said debentures.

6. The said works of the said company, including its lands, machinery and equipments, improvements, stock in trade, dock, business taxes and all taxation, excepting only local improvements, shall have a fixed assessment of \$10,000 per annum for ten years from the 1st of January, 1907.

7. That this by-law shall come into force on the 1st day of December, 1906.

8. The votes of such of the electors of the said Town of Port Arthur as are by law entitled to vote thereon shall be taken on this by-law on the 7th day of November, 1906, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the following places and by deputy returning officers hereinafter mentioned, that is to say:—

Polling Sub-division No. 1, Police Station, by Neil McDougall.

Polling Sub-division No. 2, Old Blacksmith's Building, Lot 6, west side of Cumberland Street, by Albert Bonin.

Polling Sub-division No. 3, A. L. Russell's Office, Lot 2, north side of Cameron Street, by R. E. Mitchell.

9. On the 31st day of October, 1906, at his office in the Council Chamber on Cumberland Street, in the Town of Port Arthur, at 10 o'clock in the forenoon, the mayor shall, in writing, signed by him, appoint one person to attend at each polling place, and at the final summing up of the votes by the clerk of this corporation on behalf of the persons interested in and desirous of promoting or opposing the passage of this by-law respectively.

10. The eighth day of November, 1906, at the council chamber aforesaid at 12 o'clock noon, is hereby appointed for the summing up by the said clerk of the number of votes given for and against this by-law respectively.

Council Chamber, Port Arthur, ninth day of November, 1906.

G. CLAVET,

Mayor.

J. McTEIGUE,

Clerk.

(Seal).

Memorandum of Agreement made and entered into between The Corporation of the Town of Port Arthur, the party of the first part, hereinafter called the Corporation, and The Seaman, Kent Company, Limited, the party of the second part, hereinafter called the Company.

Whereas the company desire to erect and to operate a plant to manufacture hardwood in the Town of Port Arthur, and the said corporation desire to make arrangements with the said company as to same.

Now therefore this agreement witnesseth that in consideration of the premises and the sum of one dollar in hand received by each of the parties, receipt of which is hereby acknowledged, the said parties hereto agree with each other as follows.—

1. The corporation agrees to sell and the company agrees to buy the five acres of the town park, east of the C.P.R. track and south of Current River, the location to be agreed upon, at the sum of \$200.00 per acre, but should the said company at any time during twenty years from the date hereof cease to operate and carry out the terms of this agreement as hereinafter set out for the period of twelve months, the said land shall thereupon revert and become vested in the corporation, the corporation only having to pay to the said company the purchase price paid for the said land to the said corporation, together with interest thereon, at 5 per cent. per annum, but if after the expiration of twenty years the said company then ceases to operate and carry on a manufacturing plant on the said lands, then the said corporation may then purchase the said lands and the fixtures thereon at the then value, but not as a going concern, such price to be determined, in default of agreement, pursuant to *The Arbitration Act*.

2. The said company are to have the further option within five years from the date hereof of electing to purchase an additional adjacent westerly five acres, but east of the C.P.R. track, at the same rate per acre, provided that the same is being purchased and used for the extension of the company's business, the said additional five acres, if purchased, to be subject to the terms as to reverting to the town and the option to repurchase same, as set out in paragraph 1 hereof.

3. The said corporation agrees to loan to the said company \$15,000, bearing interest at 5 per cent. per annum from the date of the respective advances. The said amounts, together with interest to be repayable in twenty annual instalments, the first of such instalments to become due and repayable in three years from the date hereof. The said corporation to be secured from the said loan of \$15,000 by a first mortgage upon the said company's property in the Town of Port Arthur; the said mortgage to include buildings and plant and all leasehold or freehold estate of the said company in the Town of Port Arthur, covering the lands herein mentioned, and to contain usual insurance clause providing for the insurance payable to the corporation according to its interest.

4. The said corporation agrees to lease a water lot in front of the said property of 100 feet frontage, said water frontage to be agreed upon, at a nominal rental of one dollar per annum, such lease to terminate at any time whenever the company ceases to operate their plant pursuant to the terms of this agreement.

5. The said company agrees to build a dock within two years from the date hereof upon the said water lot, suitable for the purposes of their business, and the said corporation agrees to use its influence with the government to obtain all additional harbor improvements to protect the said dock. And it is further agreed between the parties hereto that the corporation may have the right to purchase the dock so constructed at its value at time of purchase, which, in default of agreement, is to be decided by arbitration, and if purchased by the corporation the said company to have the necessary use of the said dock at a rental to be agreed upon, so long as they are operating their works pursuant to the terms of this agreement.

6. The said corporation agrees to provide fire protection for the company's buildings by extending a six inch main to the main factory of the said company on the said lands herein mentioned and establishing the necessary hydrant; and also to provide water service at the minimum rate.

7. The said corporation agrees to establish a fixed assessment of \$10,000 per annum upon the company's plant, buildings and betterments for a period of ten years from the date hereof.

8. The said company agrees to construct a plant for the manufacturing of hardwood at an estimated cost of \$30,000, exclusive of dock, and to operate the same continuously for twenty years from the date of construction, whereby at the said plant from thirty to fifty men will be employed daily, and to increase the number of men so employed as the business warrants. This clause to be subject only to strikes, fire or accident, requiring the closing down of the works temporarily.

9. The corporation agrees to advance to the company 50 per cent. monthly as the work progresses of the said loan of \$15,000; the final payment to be made when the said corporation is satisfied that the said company has expended \$30,000 upon the said plant and buildings, exclusive of the construction of the said dock. The necessary by-laws to carry out the terms of this agreement to be introduced in the council and submitted to a vote of the qualified ratepayers to vote thereon at as early a date as possible.

10. The corporation agrees to operate its street car system so as to run on its track on the extension of Cumberland Street all the year round on all lawful days, as soon as the work is commenced. Such service to consist of a morning car to reach the said plant at seven o'clock, one car at noon leaving the said plant, one car returning to the said plant at one o'clock, and another car leaving the said plant at six p.m.

11. The said corporation agrees to endeavour to have the Canadian Pacific Railway Company extend a spur line so as to give railway connection to the said lands of the said company, the said company agreeing to commence construction as soon as the said railway company extends the said spur line to the proposed works.

12. The said company is to have the right of crossing the road allowance to its docks with a tramway for the purpose of taking to and from the said dock freight and material.

13. The corporation agrees to either divert or pipe and fill in the little stream at present running through the proposed site.

14. All the terms of this agreement to be binding upon any assignees of the said company.

15. Time to be the essence of this agreement.

In witness whereof the parties have hereto subscribed the hands of their officials, and the corporation have caused to be attached their official seals.

Dated 1st day of September, 1906.

Witness:

| | | | |
|---------|--------|-----------------------------|-------------|
| (Seal.) | (Sgd.) | G. CLAVET, | Mayor. |
| | | J. McTEIGUE, | Town Clerk. |
| | | THE SEAMAN, KENT CO., LTD., | |
| (Seal.) | | Per M. B. SEAMAN, | President. |

SCHEDULE "B."

BY-LAW NO. 874 OF THE TOWN OF PORT ARTHUR.

To authorize the Town of Port Arthur to guarantee a first preferential Bond Issue of \$75,000 of the Company to be incorporated under the name of the Meisel Manufacturing Company, Limited, and to authorize in connection therewith the Agreement between the Town of Port Arthur and the Meisel Manufacturing Company, dated the 12th day of September, 1906.

Whereas the Corporation of the Town of Port Arthur has entered into an agreement with the Meisel Manufacturing Company, (subject to the assent of the rate-payers), copy of which agreement is hereto attached, and it is expedient to make provision for the carrying out of the terms thereof, and to authorize the corporation to guarantee the \$75,000 first preferential bonds of the Meisel Manufacturing Company, Limited, and to obtain the assent of the rate-payers to all the other terms in the said agreement;

And whereas it will require the sum of \$6,268.63 to be raised annually by special rate on the whole rateable property of the said Town of Port Arthur for the paying of the said sum of \$75,000 and interest on the debentures to be issued by the Meisel Manufacturing Company, Limited, in case the corporation are ever called upon to pay the principal and interest thereof;

And whereas the amount of the whole rateable property of the said Town of Port Arthur, according to the last revised assessment roll is \$7,092,029.00, of which \$1,665,570.00 is wholly exempt from taxation and \$400,000 are exempt except for school taxes;

And

And whereas the amount of the existing debenture debt of the said Corporation of the Town of Port Arthur is \$1,276,450.77, exclusive of local improvement debts secured by special Acts, rates or assessments, and there is no part of the principal or interest in arrear;

Therefore the Council of the Corporation of the Town of Port Arthur enacts as follows:—

1. The Corporation of the Town of Port Arthur may enter into the said agreement with the Meisel Manufacturing Company, copy of which is hereto attached, and execute same under the seal of the said corporation, and may carry out the terms thereof and do all things necessary therefor, and the execution of the said agreement by the Mayor and Clerk of this corporation is hereby ratified, confirmed and adopted.

2. The Mayor and Treasurer of this corporation are hereby empowered to sign any necessary guarantee on behalf of this corporation, guaranteeing the principal and interest of a first preferential bond issue, the total amount thereof being \$75,000, of the Meisel Manufacturing Company, Limited, and to take for such guarantee a first mortgage from the said company upon all its lands, leasehold and freehold, machinery, plant, docks, buildings and equipments for manufacturing in the Town of Port Arthur, including all patents and patterns, such mortgage to also include any other lands that may subsequently be acquired by the said company from the said town, pursuant to the said agreement, the bonds or debentures of the said company so agreed to be guaranteed by the said corporation to be repayable in ten years from the date of issue with interest at six per cent. per annum, payable half yearly, and to contain a clause that they may be redeemed at the option of the company or its assigns, after the expiration of five years from their date, at par with accrued interest.

3. It shall be lawful for the Mayor and Treasurer of the said corporation, and they are hereby authorized and empowered, to cause any number of debentures, limited to the amount of \$75,000, of the said corporation, to be made, executed and issued, in sums of not less than \$100 each, which said debentures shall be signed by the Mayor of the said corporation for the time being and countersigned by the Treasurer for the time being of the said corporation, and duly sealed with the corporate seal thereof, such debentures only to be issued however whenever it may become necessary to pay any money under the guarantee of this corporation of the \$75,000 first preferential bond issue of the said company mentioned in the said agreement with this corporation.

4. That the said debentures shall bear date upon and be made payable in twenty years from the day hereinafter appointed for the coming into force of this by-law, at the Ontario Bank, Toronto.

5. That the said debentures shall bear interest at and after the date thereof, at the rate of five per cent. per annum, and such interest shall be made payable half-yearly, namely in the first day of June and on the first day of December in each and every year during the currency of the said debentures at the said Ontario Bank, Toronto, and such debentures shall have attached thereto coupons for such half-yearly interest.

6. For the purpose of paying the said debt hereby created, in case same is necessary as above provided, and the interest on the debentures to be issued therefor as aforesaid, the sum of \$6,268.63 shall be raised, levied and collected in each year of and from the whole rateable property of the said Town of Port Arthur, by an equal special rate in addition to all other rates during the continuance of such debentures of which the sum of \$3,750.00 shall be for such interest and the sum of \$2,518.63 for a sinking fund for the ultimate payment of the said debentures of this corporation.

7. The works of the Meisel Manufacturing Company, Limited, in the said agreement, shall have a fixed assessment of \$50,000 per annum for ten years from the 12th day of September, 1906, such amount to include all assessment for lands, machinery, stock-in-trade and business tax, and for the purpose of all taxation, save and except for local improvements, it being understood and agreed that any portion of the said lands used for residence purposes, is not to be included in this fixed assessment, such portion to be assessed the same as any other property in the said town.

8. The Mayor and Treasurer of the said corporation are hereby empowered and authorized to sell the lands, pursuant to and mentioned in the said agreement between the corporation and the Meisel Manufacturing Company, of the 12th day of September, 1906, at and for the price therein mentioned, the same having been confirmed and approved of by the District Judge, pursuant to subsection 3 of section 3 of chapter 91, of the Act passed by the Ontario Legislature in the 6th year of the reign of His Majesty King Edward the Seventh.

9. The Mayor and Treasurer of the said corporation are also hereby empowered and authorized to execute a lease to the said company of that portion of the water lot of the said town, mentioned in paragraph 5 of the said agreement.

10. This by-law shall come into force on the 1st day of December, 1906.

11. The votes of such of the electors of the said Town of Port Arthur as are by law entitled to vote thereon shall be taken on this by-law on the 7th day of November, 1906, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the following places and by the deputy returning officers hereinafter mentioned, that is to say:—

Polling subdivision 1, at Police Station, Park Street, by Neil McDougall.

Polling subdivision 2, at Old Blacksmith Building, Lot 6, west side of Cumberland Street, by Albert Bonin.

Polling subdivision 3, at A. L. Russell's Office, Lot 2, north side of Cameron Street, by R. E. Mitchell.

12. On the 31st day of October, 1906, at his office in the Council Chamber on Cumberland Street, in the Town of Port Arthur, at ten o'clock in the forenoon, the Mayor shall in writing signed by him, appoint one person to attend at each polling place and at the final summing up of the votes by the Clerk of this corporation on behalf of the persons interested in and desirous of promoting or opposing the passage of this by-law respectively.

13. The 8th day of November, at the Council Chamber aforesaid at twelve o'clock noon, is hereby appointed for the summing up by the said Clerk of the number of votes given for and against the by-law respectively.

Council Chamber, Port Arthur, November 9th, 1906.

G. CLAVET,
Mayor.

J. McTEIGUE,
Clerk.

(Seal).

AGREEMENT made this twelfth day of September, one thousand nine hundred and six, between The Corporation of the Town of Port Arthur, hereinafter called the Town, of the First Part, and The Meisel Manufacturing Company, of the State of Michigan, hereinafter called the Company, of the Second Part.

Whereas

Whereas it would be greatly in the interests of the town that the company should construct a plant for the manufacture of flour mill machinery, sawing mill machinery, heavy farm machinery, and other machinery on consistent lines, within the limits of the Town of Port Arthur, at some convenient place having access to the water front of the town;

Therefore the parties hereto agree as follows:—

That in consideration of the premises and the sum of one dollar in hand paid between the parties—

1. The said company shall forthwith apply for and obtain incorporation as a company with an Ontario or Dominion charter, to be called the Meisel Manufacturing Company, Limited, and wherever the word "company" appears in this agreement the said Meisel Manufacturing Company, Limited, shall be intended.

2. Immediately after the ratification of this agreement by the rate-payers of the Town of Port Arthur, the said company shall commence and shall thereafter with all reasonable despatch continue, the construction, upon the site hereinafter mentioned, of a plant to manufacture flour mill machinery, sawing mill machinery, heavy farm machinery and other machinery in consistent lines with the same, and shall complete and have same ready for operation by the 1st day of May, 1907, save and except only strikes and delays wholly beyond its control, and shall thereafter reasonably and prudently operate same, and employ, during the currency of this agreement, not less than 150 employees during each of the working days of each year.

3. The total cost of the said plant, improvements, buildings, docks and lands to be used in connection therewith, when completed shall not be less than \$100,000, which together with stock-in-trade shall be not less than \$150,000.

4. The town shall sell and convey to the said company, as its site for said works, ten acres of land in the Stratheona addition, which site is better described as follows:—

Commencing at a point 540 feet easterly from the east bank of Current River, said point being also 100 feet south of the southerly boundary of the Canadian Pacific Railway right of way; thence easterly and parallel to the south boundary of the Canadian Pacific Railway 985 feet; thence southerly and at right angles to the tangent of the Canadian Pacific Railway right of way 320 feet; thence westerly and parallel to the tangent of the Canadian Pacific Railway right of way 685 feet to a point; thence southerly to the northerly limit of the road allowance of 66 feet along the lake shore 280 feet more or less; thence southwesterly, and following the said northerly boundary of the said road allowance to a point of said road allowance which is distant 900 feet from the southerly boundary of the Canadian Pacific Railway, said point also being at right angles to the tangent of the Canadian Pacific Railway right of way; thence northerly and parallel to the easterly boundary of the said land hereinafter conveyed, 800 feet to the point of commencement, containing by admeasurement ten acres.

The purchase price thereof being two hundred (\$200.00) dollars per acre in cash, payable by the said company to the said town, and the said company is further to have the right, at any time within five years from the date hereof, to purchase a further twenty acres of land for the purpose of the extension and betterments of the company's plant, which twenty acres is more particularly described as follows:—

Said twenty acres to be north of C. P. R right of way and adjacent to the ten acre block hereinbefore mentioned, and said twenty acres to be *en bloc*, boundaries thereof to be mutually agreed upon, and for the said twenty acres the said company agrees to pay to the said town the sum of one hundred and fifty (\$150.00) dollars per acre, together with interest thereon from the
date

date hereof to the date of purchase at six per cent. per annum, it being further understood that the town shall be at liberty to lay out and construct a 100 feet street through the twenty acres to be conveyed to the said company where said town shall decide such street to be located when the street railway is extended to said plant.

5. The town also agrees to lease to the said company a portion of its water lot in front of the said lands at the nominal rental of one dollar per annum, for the purpose of construction thereon by the said company of its dock, which said portion of water lots is better described as follows:—

Being a strip of land covered by water of 200 feet wide situated opposite the most southerly portion of the ten acres above described, the east and west boundaries of said 200 feet to be parallel to the easterly and westerly boundaries of the said water lot, such lease to extend and be in force so long as the company continue to operate its said plant, but on cessation of operation other than temporary cessation not exceeding twelve months, the said lease of the said water lot shall thereupon terminate and be at an end.

6. The company agree after the commencement of work on the first day of May, 1907, to employ 150 employees during each of the working days of each year for the next ten years in connection with the said works, save only temporary suspension of operation due to strikes or causes beyond its control, and should the said company fail to employ the said 150 employees per day, annually and during the currency of this agreement, saving only the above exceptions, it is further agreed that for every employee not so employed the said company shall pay, as liquidated damages to the town, the sum of one dollar per day.

7. It is further agreed and understood that the land sold by the said town to the said company is for manufacturing purposes and for residential purposes in connection with the employees of the said company, and is not to be used for other purposes.

8. This company further agree to employ all local labour and mechanics, providing there are competent men to be obtained, before going to outside points for same.

9. The said company shall locate and maintain its head office in the Town of Port Arthur, and all wages of the company's employees at Port Arthur shall be paid in Port Arthur.

10. All the terms, covenants and agreements herein contained shall be construed to be and be binding upon the successors and assigns of the parties hereto.

11. In consideration of the above the town agrees to guarantee by its proper corporate and binding guarantee a first preferential bond issue of \$75,000 of the said company upon all its lands (freehold and leasehold), buildings, dock, machinery, and equipments for manufacturing, in the Town of Port Arthur, including patents and patterns, which first preferential bond or debenture issue is to be secured by a first mortgage upon all the above assets of the said company, the same to include any other lands that may be acquired from the said town by the said company under this agreement, such bonds or debentures to be repayable in ten years from the date of issue, with interest at six per cent. per annum payable half-yearly. Such bonds shall contain a clause that they may be redeemed, at the option of the company at any time after the expiration of five years from their date at par with accrued interest. Said bonds to be guaranteed May 1st, 1907, or the first of any month previous, upon the company having complied with the conditions of clauses 2 and 3 of this agreement.

12. The town agrees to extend its street railway to the lands of the said company, and to provide a daily service on all lawful days to the said lands, such service to consist of a car to reach the said works at 6.50 a. m., leave the said works at 12.05 p. m., to arrive at the said works at 12.55 p. m., and leave the said works at 6.10 p. m.

13. The town also agrees to bring to the line of the property of the said company its municipal water, and to erect there sufficient hydrants for fire protection, and also to supply the said company with water at its minimum rate for private consumption.

14. The said works of the said company, including its lands, machinery and equipments, improvements, stock-in-trade, dock, business taxes and all taxation, excepting only local improvements, shall have a fixed assessment of \$50,000.00 per annum for ten years from the date hereof, it being further understood and agreed that any portion of the said lands used for residential purposes is not to be included in this fixed assessment, such portion to be assessable the same as any other property in the said town.

15. The town agrees to immediately introduce and submit to its rate-payers, and if duly carried by same, to pass the necessary by-law or by-laws to carry out the terms of this agreement.

In witness whereof this agreement has been duly executed by the parties hereto.

Signed, sealed and delivered }
in the presence of }
(Sgd.) FRANK H. KEEFER. }

(Seal).

(Seal).

(Sgd.) G. CLAVET,
Mayor.
J. McTEIGUE,
Clerk.
THE MEISEL MANUFACTURING COMPANY,
Per R. M. MEISEL,
Vice-President.
FRED. W. TOMLINSON,
Secretary.

In the Matter of the Agreement between the Town of Port Arthur and The Meisel Manufacturing Company, for the sale of ten acres and twenty acres respectively, portions of Lot No. 6, Herrick's Survey, in the Township of McGregor, now in the Town of Port Arthur.

Upon application made to me under sub-section 3, section 3, chapter 91 of the Ontario Statutes of 1906, having considered the terms of the said agreement, and examined the property in question, I am of opinion that the sum of \$200.00 per acre for the block of ten acres lying between the line of the C. P. R. and the shore of Thunder Bay, as described in said agreement, is the full selling value of the said land, and that the sum of \$150.00 per acre for the block of twenty acres lying to the north of the line of said railway, as described in said agreement is the full selling value of the said twenty acres of land.

Dated at Port Arthur, this 17th day of September, 1906.

(Sgd.) HUGH O'LEARY,
Judge.

SCHEDULE "C."

BY-LAW No. 870 OF THE TOWN OF PORT ARTHUR.

A By-law to authorize the issue of Debentures to the amount of \$50,000 to pay for the extension of the Waterworks System of the Town of Port Arthur.

Whereas a system of waterworks has been constructed in the Town of Port Arthur, as approved by the electors under the provisions of the Act of the Legislature of the Province of Ontario, 3 Edward VII, chapter 76, and debentures of the said town to the amount of \$197,000 have heretofore been issued, and the proceeds thereof have been expended on the said system and extensions thereof;

And whereas it is necessary and advisable in the interests of the said town to further extend the said works upon the several streets mentioned in the schedule to this by-law to properly supply the

the inhabitants of the said town, and to ensure protection against fire, and the sum of \$50,000 will be required for that purpose;

And whereas in order thereto it will be necessary to issue debentures of the said town for the sum of \$50,000, which is the amount of the debt intended to be created by this by-law;

And whereas the amount required to be raised annually by special rate is \$3,391.50, being for payment of the interest on the said debentures the sum of \$2,500.00, and to form a sinking fund for the payment of the said debentures, the sum of \$891.50;

And whereas the amount of the whole rateable property of the Town of Port Arthur, according to the last revised assessment roll thereof is \$7,092,029.00, of which \$1,665,570.00 is wholly exempt from taxation, and \$400,000.00 is exempt except for school purposes.

And whereas the amount of the said existing debenture debt of the said municipality is \$1,066,264.93, exclusive of local improvements debts secured by special Acts, rates or assessments, and there is no part of the principal or interest in arrear;

And whereas in addition thereto by-laws numbers 846 to 853, both inclusive, of the said town have been passed authorizing debentures to the amount of \$179,000.00, but the debentures authorized thereunder have not yet been issued;

And whereas the municipal council of the said town submitted to the vote of the electors on the 25th day of July, 1906, a by-law to authorize the issue of debentures to the amount of \$50,000 for above recited purpose, and the said by-law was carried by a vote of 173 for to 8 against, and was on the 30th of July, 1906, passed by the said council as By-law No. 845, but doubts were expressed as to the validity of such by-law, inasmuch as it provided for raising only \$500 yearly by way of sinking fund while the amount of debentures authorized with those already authorized and issued exceeded \$200,000, which is the sum mentioned in the Act, 3 Edward VII, chapter 76, section 19, as to which a sinking fund of one per cent. only need be levied, and the said council have repealed said By-law No. 845, with a view of passing this by-law, and having the same approved by the Railway and Municipal Board under section 569 of *The Consolidated Municipal Act*, as amended, the estimated revenue from the said extensions being more than sufficient to meet and discharge the annual sum required to be levied under this by-law, and this by-law having been passed by the vote of more than three-fourths of all the members of the municipal council at a meeting thereof duly called and held;

Therefore the Council of the Town of Port Arthur enacts as follows:—

1. The sum of \$50,000.00 shall be expended by the Town of Port Arthur in paying for the extension of the waterworks System as hereinafter provided and for the purpose of raising the said sum debentures of the said Town of Port Arthur to the amount of \$50,000.00 as aforesaid, shall be issued in sums of \$1,000.00 each, and such debentures shall be payable on the first day of August, 1936, at the Bank of Montreal, Toronto.

2. Each of the said debentures shall be signed by the Mayor and Treasurer of the said town, and the Clerk of the said town shall attach thereto the corporate seal of the said municipality. The said debentures shall bear interest at the rate of five per cent. per annum, computed from the 1st day of August, 1906, payable half-yearly at the said bank on the 1st days of February and August in each and every year during the currency thereof, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the said Mayor and Treasurer.

3. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said Town of Port Arthur the said sum of \$2,500.00 for payment of interest on the said debentures, and the said sum of \$891.50 for the purpose of creating a sinking fund for payment of the debt hereby authorized, making in all the sum of \$3,391.50 to be raised annually by special rates as aforesaid, during each of the said thirty years.

Provided always that if the Legislature of the Province of Ontario shall on the application of the said town so authorize them only the sum of \$500.00 (being one per cent. on \$50,000.00) shall be levied and raised annually during the currency of the said debentures for the purpose of creating a sinking fund in place of the sum of \$891.50.

4. The debentures issued under this by-law shall be a first preferential charge or lien on the said waterworks property and plant and shall also be a first charge or lien on the net income derived from operating the same, *pari passu* with the debentures heretofore issued and with those which may hereafter be issued for the construction and extension of the waterworks system of the said town.

5. This by-law shall take effect on the approval of the Railway and Municipal Board being given thereto.

Council Chamber, Port Arthur, November 9, 1906.

G. CLAVET,
Mayor.
J. McTEIGUE,
Clerk.

Schedule "A."

WATERWORKS.

| | |
|--|-----------------|
| Original amount of vote | \$85,000 |
| Sum authorized by by-law of October, 1905 | 112,000 |
| | <hr/> \$197,000 |
| Estimated sum spent on waterworks, without vote, 1906. | \$20,000 |
| Further extensions will require | 30,000 |
| | <hr/> |
| Total amount to be authorized by proposed by-law | \$50,000 |
| Total waterworks, original scheme and extensions | 247,000 |

Schedule "B."

WATERWORKS.

| | |
|--|-------------|
| Algoma Street from Wilson Street to Bay Street | 1,000 feet. |
| Cameron Street from Algoma Street to Court Street. | 650 " |
| College Street from St. Patrick's Square to Van Norman Street | 1,200 " |
| Cooke Street from Court Street to St. Paul Street; St. Paul Street from Cooke Street to Cameron Street, and Van Norman Street from St. Paul Street to Cumberland Street | 1,700 " |
| Court Street from Wolseley Street to McIntyre St.... | 800 " |
| Dawson Street from Jean Street to Algoma Street ... | 500 " |
| Graham Street from Cumberland Street to Front St. | 400 " |
| Harrington Street from Court Street to Algoma Street, and Emmerson Ave. from north to south boundary | 1,200 " |
| Park Street from Algoma Street to Second Street ... | 350 " |
| Prospect Ave. from Dawson Road to Hebert Street... | 700 " |
| McVicar Street from Cumberland Street to Front St. | 350 " |
| River Street from Nugent Street to Court Street..... | 200 " |

CHARLES

CHAPTER 84.

An Act to confirm By-law No. 9 of the Village of Port Colborne.

Assented to 20th April, 1907.

WHEREAS the Municipal Corporation of the Village of Port Colborne has, by petition, represented that on the 25th day of September, 1906, the Council of the said Corporation passed the first and second readings of a by-law, intituled "A by-law to exempt from taxation the property of The Great Lakes Portland Cement Company, Limited, and The Canadian Portland Cement Company, Limited, in the Village of Port Colborne," which said by-law is set out in the schedule to this Act, that the said by-law was duly submitted to the ratepayers of the said Village as required by *The Consolidated Municipal Act, 1903*, with respect to bonuses to manufacturers, and was duly approved of by more than two-thirds of all the ratepayers entitled to vote; that on the 22nd day of October, 1906, the Council of the said Corporation caused the said by-law to be read a third time and finally passed the same; and whereas the said Corporation has, by its said petition, prayed that an Act may be passed to confirm and validate the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the provisions of section 2 By-law No. 9 of the Municipal Corporation of the Village of Port Colborne, set forth in Schedule "A" to this Act, is confirmed and declared legal, valid and binding upon the said Corporation and the ratepayers thereof, and upon all parties affected thereby, notwithstanding any want of jurisdiction on the part of the Council of the said Municipality to pass said by-law, and notwithstanding any defect in substance or form of said by-law or in the manner of passing same.

By-law No. 9
of Village of
Port Colborne
confirmed.

Taxation for
school purposes
and local
improvements.

2. Notwithstanding anything in the said by-law the lands and property of the said Company shall be assessed for and shall be liable to taxation for school purposes and for local improvements as though the said by-law had not been passed.

SCHEDULE "A."

BY-LAW No. 9 OF THE MUNICIPALITY OF THE VILLAGE OF PORT COLBORNE.

A By-law to exempt from taxation the property of The Great Lakes Portland Cement Company, Limited, and The Canadian Portland Cement Company, Limited, in the Village of Port Colborne.

Whereas The Great Lakes Portland Cement Company, Limited, has signified its intention of erecting buildings and installing plant in the Township of Humberstone, for the purpose of manufacturing cement and other materials of like nature, said plant being operated in the name either of The Great Lakes Portland Cement Company, Limited, or of The Canadian Portland Cement Company, Limited; and

Whereas the said The Great Lakes Portland Cement Company, Limited, or The Canadian Portland Cement Company, Limited, proposed to erect store houses, coal sheds and other buildings within the Village of Port Colborne for use in connection with its business; and

Whereas it is expedient to exempt from taxation the lands and property of The Canadian Portland Cement Company, Limited, and The Great Lakes Portland Cement Company, Limited, within the Village of Port Colborne;

Therefore the Municipality of the Corporation of the Village of Port Colborne enacts as follows:—

1. The lands now or hereafter acquired by The Great Lakes Portland Cement Company, Limited, and The Canadian Portland Cement Company, Limited, within the said Village of Port Colborne, and all store houses, coal sheds and other buildings except dwelling houses, used in connection with the business of The Canadian Portland Cement Company, Limited, or The Great Lakes Portland Cement Company, Limited, together with all loading and unloading appliances used by either of said Companies, and any railway right of way and railway appliances owned and used by either of said Companies or any subsidiary Company thereof in connection with said business, shall be exempt from taxation for all municipal purposes except school taxes, for a period of twenty years next after the final passing of this by-law.

2. This by-law shall apply to all lands, buildings and appliances of the character above mentioned which may be acquired, owned, erected or installed by either of said Companies within the period of twenty years next after the final passing of this by-law.

3. This by-law shall come into force and take effect immediately on the final passing thereof.

4. The votes of the electors of the said Village of Port Colborne shall be taken on this by-law on the 16th day of October next, commencing at the hour of nine o'clock a. m. on the same day, by the following returning officers, and at the following places:—

(1) At the Town Hall, at which polling sub-division the deputy returning officer will be William Blackhall.

(2) At L. Shicklima's Bicycle Works, East Street, at which polling sub-division the deputy returning officer will be J. E. Neff.

- (3) At _____, at which polling sub-division the deputy returning officer will be _____
- (4) At _____, at which polling sub-division the deputy returning officer will be _____
- (5) At _____, at which polling subdivision the deputy returning officer will be _____
- (6) At _____, at which polling sub-division the deputy returning officer will be _____
- (7) At _____, at which polling sub-division the deputy returning officer will be _____

Be it further enacted that the Clerk of the Council of the Municipality of the Village of Port Colborne shall attend at the Town Hall at Port Colborne on Wednesday, the 17th day of October, 1906, at the hour of twelve o'clock noon, to proceed to sum up the number of votes given for and against this by-law in accordance with the provisions of the Statutes in that behalf.

Be it further enacted that the Reeve of the Municipality of the Village of Port Colborne, shall attend at the Town Hall at Port Colborne on Thursday, the 4th day of October, 1906, at the hour of twelve o'clock noon, for the purpose of appointing and shall appoint in writing, signed by him, two persons to attend the final summing up of the votes given for and against this by-law and for the purpose of appointing one person to attend at each polling place upon the day of the polling of the said votes on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law, which place and hour are hereby fixed for said purpose.

Read in Council a first and second time this 25th day of September, A. D. 1906.

F. J. OLD, Reeve.

F. D. NOBLE, Clerk.

(Seal).

Passed in Council this 22nd day of October, A. D. 1906.

F. J. OLD, Reeve.

F. D. NOBLE, Clerk.

CHAPTER 85.

An Act respecting the Village of Port Perry.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Corporation of the Village of Port Perry has, by petition, represented that the said Corporation has incurred a floating debt amounting to the sum of \$11,000; that \$7,500 is moneys borrowed from time to time to pay the cost of completing the electric light and water works systems, extending the same and providing material and supplies to operate with; that \$3,500 is the amount of the floating debt incurred for certain necessary and permanent improvements for sidewalks and roadways, and also includes a debt unprovided for when the village debts were consolidated in 1896; and whereas the said corporation has represented that it is necessary and expedient for the corporation to issue debentures for the sum of \$11,000; and whereas it has been further represented that the said corporation is at present paying \$3,790 annually on current debentures, and that \$2,865 of said annual payments will cease on the first of December, 1916, and that in the meantime it would be unduly oppressive on the rate-payers to levy any further debenture payments before the said first of December, 1916; and whereas the said corporation has prayed that an Act may be passed authorizing the village council of the Village of Port Perry to issue debentures for \$11,000, the debt incurred to be paid in five equal instalments of principal and interest in each year, commencing with the year 1916, and interest thereon at a rate not exceeding five per cent. per annum to be paid yearly in the meantime; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Floating debt
consolidated.

1. The said floating debt of the Corporation of the Village of Port Perry is hereby consolidated at the said sum of \$11,000, and it shall and may be lawful for the said corporation

corporation to raise by way of loan, on the credit of the debentures to be issued under the authority of this Act, from any person or persons or body corporate, the sum of \$11,000.

2. It shall be lawful for the said corporation to pass a by-law providing for the issue of debentures under the Corporate Seal, signed by the reeve and treasurer for the time being, in sums of not less than \$100 each, and not exceeding in the aggregate \$11,000, payable at such places as the corporation may deem expedient.

Issue of debentures for \$11,000 authorized.

3.—(1) A portion of such debentures shall be made payable in each of the years 1916, 1917, 1918, 1919 and 1920, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to the aggregate amount payable for principal and interest during each of the other four years of the period within which the debt is to be discharged.

Term of debentures.

(2) The interest only on the said debentures from the date of the issue thereof shall be payable in each year until the year 1916.

(3) Coupons shall be attached to the said debentures for the payment of the interest thereon and such interest shall be payable yearly at the places mentioned therein and at any rate not exceeding five per cent. per annum.

4. The said corporation may for the purposes herein mentioned raise money by way of loan on the said debentures, or sell and dispose of the same as may be deemed expedient.

Hypothecation of debentures.

5. The said debentures and all moneys arising therefrom, shall be applied by the said corporation to the redemption of the said floating debt of \$11,000, and in no other manner and for no other purpose whatsoever.

Application of proceeds of debentures.

6. It shall not be necessary to obtain the assent of the electors of the Village of Port Perry to the passing of any by-law or by-laws which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act.

Assent of electors not required.

3 Edw. VII., c. 19.

7. No irregularity in the form of the said debentures or any of them, or in any by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed

Irregularity in form not to invalidate.

ed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing debentures, or as to the application of the proceeds thereof.

By-law not to be repealed until debt satisfied.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and interest thereon is fully paid and satisfied.

Special rate.

9. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for interest until the year 1916 and in each of the years 1916, 1917, 1918, 1919 and 1920 a special rate sufficient to pay the amount falling due annually for principal and interest in respect to the debentures authorized to be issued under this Act, to be called "The Consolidated Floating Debt Rate"; and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Indebtedness of town not discharged.

10. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Village of Port Perry from any indebtedness or liability which may not be included in the indebtedness hereby consolidated.

Treasurer to keep proper books of account.

11. It shall be the duty of the treasurer for the time being, of the said village, to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep, and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized upon the sale or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said village, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

Short title.

12. This Act may be cited as *The Village of Port Perry Debenture Act, 1907*.

CHAPTER 86.

An Act to confirm By-law No. 1839 of the City of St. Catharines.

Assented to 20th April, 1907.

WHEREAS the Sunbeam Incandescent Lamp Com- Preamble.
 pany, Limited, a company incorporated under *The*
Ontario Companies Act, has by petition prayed that an Act
 may be passed confirming By-law No. 1839 of the Corpora-
 tion of the City of St. Catharines, passed on the 22nd day
 of October, 1906, entitled "A By-law to grant the Sunbeam
 Incandescent Lamp Company, Limited, partial exemption
 from municipal taxation for a period of ten years,"
 which said by-law is set out in Schedule "A" to this Act;
 and whereas the said corporation of the City of St. Cath-
 arines is an assenting party hereto; and whereas subject
 to the provisions hereinafter contained it is expedient to
 grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and con-
 sent of the Legislative Assembly of the Province of Ontario,
 enacts as follows:—

1. Subject to the provisions of sections 2 and 3 here- By-law No. 1839 of City of St. Catharines confirmed.
 of By-law No. 1839 of the Municipal Corporation of the
 City of St. Catharines, set out as Schedule "A" to this Act,
 is legalized and confirmed and declared to be legal, valid
 and binding notwithstanding anything in any Act to the
 contrary, and the said municipal corporation is declared to
 have had power to pass the said by-law.

2. It is declared that the words "municipal taxation" Meaning of words "municipal taxation."
 in said By-law No. 1839 shall be held to mean and include
 taxation for or in respect of business assessment.

3. Notwithstanding anything in the said by-law the Taxation for school and local improvement rates, etc.
 property and business of the said company shall be liable
 to taxation for school rates, local improvement rates, water
 rates, and street watering in the same manner and to the
 same extent as though the said by-law had not been
 passed.

SCHEDULE

SCHEDULE A.

BY-LAW No. 1839.

A By-law to grant the Sunbeam Incandescent Lamp Company, Limited, partial exemption from municipal taxation for a period of ten years.

Whereas the Sunbeam Incandescent Lamp Company, Limited, hereinafter called the Company, a manufacturing company carrying on business in the City of St. Catharines, represented to this council that it was about to extend its works and manufacturing plant and to erect new buildings on its real property in this city and applied to this corporation for the partial exemption of its property real and personal from municipal taxation as hereinafter stated.

And whereas this council agreed that in the event of the said extensions and improvements being carried out, this corporation would pass a by-law providing for the partial exemption of the real and personal property of the company as hereinafter stated.

And whereas the said company have completed the said extensions and improvements,

Now therefore the Council of the Corporation of the City of St. Catharines, enacts as follows:—

That the property, real and personal, of the Sunbeam Incandescent Lamp Company, Limited, in the City of St. Catharines, shall so long as the said company continues to carry on business thereon be partially exempt from municipal taxation (save and except taxation for school rates, local improvements, water rates and street watering) for a period of ten years from and including the 1st day of January, 1906, to the following extent and amount, that is to say: Exemption of all the assessed value thereof, over and above the sum of \$14,400.00.

This by-law shall not come into force unless and until it is confirmed and validated by Act of the Legislative Assembly of the Province of Ontario.

Passed this 22nd day of October, A.D. 1906.

(Sgd.) J. ALBERT PAY,

City Clerk.

(Sgd.) ANDREW RIDDELL,

Mayor.

CHAPTER 87.

An Act respecting the Municipality of St. Joseph.

Assented to 20th April, 1907.

WHEREAS the Municipality of St. Joseph has by petition represented that, in order to relieve the necessity for a roller grist mill long felt by the inhabitants of St. Joseph's Island, in the District of Algoma, the council of said municipality passed a By-law numbered 340 to authorize aid by way of bonus of \$1,000 to Edwin Owen in the erection and equipment of a roller grist mill in Richard's Landing on said St. Joseph's Island, and within the corporate limits of said municipality, and to provide for the raising of \$1,000 by way of debentures necessary therefor; and whereas there is no other industry of a similar nature established within the limits of said corporation or on said St. Joseph's Island; and whereas the said by-law was submitted to a vote of the ratepayers of said municipality entitled to vote thereon as provided by *The Consolidated Municipal Act, 1903*, when out of a total vote of 299 ratepayers entitled to vote thereon one hundred and sixty-eight ratepayers voting in favour thereof and fourteen ratepayers against the same; and whereas the said municipal council, in order to lighten the yearly burden by said by-law imposed upon the ratepayers of said municipality, decided to make the principal and interest of said debentures repayable in equal annual sums extending over a period of fifteen years from the date of issue of said debentures, and by reason thereof the said by-law provides that said municipality may issue fifteen debentures each for the sum of \$96.30, being the said yearly sum payable for principal and interest as aforesaid; and whereas the said corporation has by its petition prayed that the said by-law may be confirmed and declared legal and binding and the debentures to be issued in pursuance thereof may be declared legal and binding upon said corporation and the ratepayers thereof; and whereas no opposition has been offered by or on behalf of any ratepayer of said municipality or other-

wise

wise to said petition; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 340,
of municipality of St.
Joseph
confirmed.

1. By-law number 340 of the Corporation of the Municipality of St. Joseph, intituled "A by-law to authorize aid "to Edwin Owen in the erection and equipment of a roller grist mill in the Village of Richard's Landing, on St. Joseph's Island, in the District of Algoma, and to provide for the raising of \$1,000 by way of debentures necessary therefor," set out as Schedule "A" to this Act, is hereby confirmed and declared to be legal and binding upon the said municipal corporation and the ratepayers thereof; and the said Corporation of the Municipality of St. Joseph is hereby authorized and empowered to issue debentures to the amount of \$1,000 for the purposes and in the amounts and manner particularly set out in said by-law, and the said debentures are hereby declared to be legal, valid and binding upon said corporation and the ratepayers thereof when and as the same are so issued by said corporation.

Agreement
between corporation and
Edwin Owen
confirmed.

2. The agreement in writing entered into between the said Corporation of the Municipality of St. Joseph and the said Edwin Owen regarding the matters contained or referred to in said by-law, which said agreement is set out in Schedule "B" to this Act, and every security given and taken in pursuance thereof is and are hereby confirmed and declared legal and binding upon the parties thereto and their respective heirs, executors, administrators, successors and assigns.

SCHEDULE "A."

BY-LAW NO. 340 OF THE MUNICIPALITY OF ST. JOSEPH.

A By-law to authorize aid to Edwin Owen in the erection and equipment of a Roller Grist Mill in the Village of Richard's Landing, on St. Joseph Island, in the District of Algoma, and to provide for the raising of \$1,000.00 by way of debentures necessary therefor.

1. Whereas Edwin Owen has offered to establish a roller grist mill in the Village of Richard's Landing aforesaid on the terms and conditions hereinafter set out;

2. And whereas the Corporation of the Municipality of St. Joseph deem it in the interests of said municipality to grant aid by way of bonus to said Edwin Owen in order to secure the establishment of such an industry at the said Village of Richard's Landing;

3. And whereas the sum of \$1,000.00 is the amount of the bonus to be granted to said Edwin Owen, and the amount of the debt intended to be created by this by-law;

4. And whereas the amount of the whole rateable property of the Municipality of St. Joseph, according to the last revised assessment roll of said municipality amounts to \$169,225.00;

5. And whereas the general debenture debt of the said municipality amounts to \$1,650.00, of which no part of the principal or interest thereon is in arrear;

6. And whereas in order to provide for said debt it is expedient to issue debentures of the said municipality to the amount of \$1,000.00, bearing interest at five per centum per annum, and that such principal shall be repayable in yearly sums extending over a period of fifteen years from the date of issue of such debentures; and that such yearly sums shall be of such respective amounts that the aggregate amount payable for principal and interest in any year in respect of the debt shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period;

7. And whereas it will require the sum of \$96.30 to be raised annually as aforesaid by a special rate on the whole rateable property in the Municipality of St. Joseph for the paying of said debt and interest;

8. Now therefore the Corporation of the Municipality of St. Joseph enacts as follows:—

9. It shall and may be lawful for the Reeve of the Corporation of the Municipality of St. Joseph to borrow the said sum of \$1,000.00 on the credit of the said municipality for the purpose aforesaid, and to issue fifteen debentures of the said municipality each for the sum of \$96.30, payable at the office of the Imperial Bank of Canada, at the Town of Sault Ste. Marie, Ontario, as follows:—

| No. | When Payable. | Principal. | Interest. | Total. |
|-----|--------------------------|------------|-----------|---------|
| 1 | 1st September, 1907..... | \$46 30 | \$50 00 | \$96 30 |
| 2 | " 1908..... | 48 62 | 47 68 | 96 30 |
| 3 | " 1909..... | 51 05 | 45 25 | 96 30 |
| 4 | " 1910..... | 53 60 | 42 70 | 96 30 |
| 5 | " 1911..... | 56 28 | 40 02 | 96 30 |
| 6 | " 1912..... | 59 10 | 37 20 | 96 30 |
| 7 | " 1913..... | 62 05 | 34 25 | 96 30 |
| 8 | " 1914..... | 65 15 | 31 15 | 96 30 |
| 9 | " 1915..... | 68 41 | 27 89 | 96 30 |
| 10 | " 1916..... | 71 83 | 24 47 | 96 30 |
| 11 | " 1917..... | 75 42 | 20 88 | 96 30 |
| 12 | " 1918..... | 79 20 | 17 10 | 96 30 |
| 13 | " 1919..... | 83 16 | 13 14 | 96 30 |
| 14 | " 1920..... | 87 31 | 8 99 | 96 30 |
| 15 | " 1921..... | 91 68 | 4 62 | 96 30 |

10. During the period of fifteen years there shall be raised and levied annually by a special rate in addition to all other rates upon the whole rateable property in the said Municipality of St. Joseph the yearly sum of \$96.30, for the payment of the said debt and interest.

11. The said debentures shall bear date as of the 1st day of September, A. D. 1906, and shall be signed by the Reeve and Treasurer thereof and sealed with the seal of the corporation.

12. The Reeve and Clerk are hereby authorized to attach the corporate seal of the Corporation of the Municipality of St. Joseph to the indenture between the corporation and the said Edwin Owen hereunto annexed as Schedule "A" to this by-law, or to duplicate copies thereof in all respects in words and figures identical with and similar to said indenture as Schedule "A" hereto, with all necessary and proper dates inserted therein, and to enter into, make, sign, execute and deliver the same, and such indenture is hereby incorporated with and shall form part of this by-law.

13. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the 26th day of February, A. D. 1906, commencing at nine o'clock in the forenoon and closing at five o'clock in the afternoon of the same day, at the town hall of the said Municipality of St. Joseph, at Richard's Landing aforesaid, the deputy returning officer to be Hector M. Ross.

14. That on Saturday, the 17th day of February, A. D. 1906, at the hour of ten o'clock in the forenoon, the Reeve of the Municipality of St. Joseph will attend at the town hall in the Village of Richard's Landing, in the Municipality of St. Joseph, for the purpose of appointing in writing signed by himself, two persons to attend at the final summing-up by the Clerk of the municipality of the votes polled on this by-law, and also of appointing one person to attend at the said polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

15. That on Wednesday, the 28th day of February, A. D. 1906, at the hour of ten o'clock in the forenoon, at the town hall aforesaid the Clerk of the said municipality will proceed to sum up the number of votes given for and against this by-law.

16. This by-law shall go into effect upon the day of final passing thereof.

Read a first and second time in open Council, this 30th day of January, A. D. 1906.

(Sgd) T. J. FOSTER,
Reeve.

(Sgd.) H. M. ROSS,
Clerk.

Read a third time and finally passed in open Council this 8th day of March, A. D. 1906.

(Sgd) T. J. FOSTER,
Reeve.

(Sgd.) H. M. ROSS,
Clerk.

(Seal).

SCHEDULE "B."

THIS INDENTURE made in triplicate the 8th day of March, A. D. 1906, between the Corporation of the Municipality of St. Joseph, on St. Joseph Island, in the District of Algoma (hereinafter called the Corporation), of the First Part, and Edwin Owen, of the Village of Richard's Landing, on St. Joseph Island aforesaid, Miller, of the Second Part.

1. Whereas the party of the second part has offered to erect, equip, maintain and operate in the Village of Richard's Landing aforesaid a roller grist mill to cost approximately the sum of \$5,000.00, and has applied to the corporation for a bonus of one thousand dollars to aid him in said undertaking;

2. And whereas the corporation are desirous of having said grist mill so established, and it has been deemed expedient by the council of the said corporation to grant said bonus to the party of the second part, and a by-law for that purpose with the assent of the electors has been passed by the said council;

3. Now therefore this indenture witnesseth that for the consideration hereinafter set out, the said parties have and hereby do mutually covenant, promise and agree to and with the other of them:

4. The party of the second part will erect, or cause to be erected, upon the following lands in the Village of Richard's Landing, namely, in St. Joseph Island, in the District of Algoma, in the Province of Ontario, containing by admeasurement two (2) acres, being the same more or less, being composed of a portion of Lot Number Thirteen (13) in Concession "D" of the said St. Joseph Island

Island, which may be better known by the particular description thereof hereinafter set forth, that is to say: Commencing where a stake has been planted on the southerly limit of the road allowance along the northerly boundary of said Lot Number Thirteen (13) at a distance of one (1) chain (or more) from the brink of the bank of the River Saint Mary, and of eight chains and seventy-five links on a line drawn at right angles from the western boundary of said lot, running parallel with the southerly boundary of said lot and terminating at said stake; thence north-easterly along the southern limit of said road allowance four (4) chains to where the stake has been planted; thence southerly in a line parallel to the western boundary of said lot five (5) chains to where a stake has been planted; thence westerly in a line parallel with the southerly boundary of said lot four (4) chains to where a stake has been planted thence north-westerly in a line parallel with the westerly boundary of said lot five (5) chains to the place of beginning. And also any portion of said Lot Number Thirteen (13) lying northerly of the road allowance of one (1) chain as the said road is now used and being within the limits that would be enclosed were the westerly and easterly boundaries of the parcel of land hereinbefore described produced in each case to the brink of the bank of the Saint Mary River, and which may properly belong to said Lot Number Thirteen (13) in lieu of any encroachment thereon by said road allowance running straight through said lot at a greater depth from the brink of the bank of the said river, instead of following the natural configuration of the bank, a roller grist mill to be of substantial and permanent character, and completely and properly equipped with all necessary machinery and plant for the proper working thereof as a going concern, the same to be so erected and equipped on or before the 1st day of October, A. D. 1906, and will expend in and about the erection and equipment of said grist mill a sum of money approximating \$5,000.00 (inclusive of said bonus).

5. The said grist mill shall have a minimum capacity of twenty-five barrels for each working day of ten hours.

6. The party of the second part shall maintain on said lands in good repair and working order and completely and properly equipped as aforesaid the said grist mill for a period of ten years from and after the first day's operation thereof, following the erection and equipment thereof as aforesaid.

7. During such period of ten years in paragraph 6 hereof referred to the party of the second part will operate the said grist mill when and at all time supplies of grain and corn are offered to him for grinding therein, but accidents, strikes and other circumstances beyond the control of the party of the second part shall exempt him from any default under this paragraph; and subject to the foregoing and to all agreements or contracts for grinding grain or corn prior thereto entered into by the party of the second part and then in actual course of being fulfilled and carried out the party of the second part will efficiently, promptly and without delay grind any grain or corn offered to him for grinding at said mill at the charge or price at such time of offering prevailing and being paid for similar services to the party of the second part, or to other grist mill owners in the Province of Ontario.

8. The party of the second part during such period of ten years may change the equipment, machinery and plant in said grist mill contained by substituting therefor more efficient and improved and newer and later equipment, machinery and plant, and upon first receiving the consent in writing of said corporation by resolution of the council thereof to such changes.

9. Upon the party of the second part having so acquired said lands in fee simple free from all encumbrances, and having executed this indenture, and erected, or caused to be erected upon said lands the said roller grist mill and equipped the same as aforesaid, and upon his delivering to the corporation the herein-after mentioned mortgage by way of first charge on said lands and said grist mill and equipment therein, and upon the said corporation

ation being satisfied that all debts, liens and encumbrances against said lands and the buildings thereon and said equipment in connection with the foregoing matters have been paid and satisfied and discharged, then the corporation will advance and pay over to the party of the second part or his assigns the said sum of one thousand dollars by way of bonus as aforesaid.

10. Before receiving from the corporation the said sum of \$1,000.00 the party of the second part shall execute and deliver to the corporation a mortgage, being a first charge on the said lands and the appurtenances thereto, and all buildings and works erected or to be erected thereon, and all equipment, machinery and plant placed or to be placed, therein or thereon, for the sum of \$1,000.00, bearing interest at five per centum per annum (as well after as before maturity), payable on the 1st day of October in each year, the said principal sum to become due and be paid during the next succeeding period of ten years in ten equal annual consecutive instalments of \$100.00 each, payable on the 1st day of October in each year, and providing that for each and every year from the 1st day of October to the next following 30th day of September of said period the party of the second part complies in all respects with the provisions of this indenture, \$100.00 of said principal sum and interest on the unpaid principal for the then current year shall be conclusively between the parties thereto deemed to have been paid and satisfied by him, and the party of the second part shall be entitled to a receipt in writing for and discharge of such amount, and providing further that the party of the second part shall insure said buildings, works, equipment, machinery and plant in the sum of \$1,000.00, and shall assign such insurance to the Corporation as mortgagees, with loss, if any, payable to the corporation as their interest may appear, which said mortgage shall be in the form and in all respects satisfactory to the solicitor for the corporation, and the said mortgage and this indenture in all instances shall be read and construed together as one instrument.

11. In the event of the act of God or of the King's enemies or of accident to, or to any part of the said buildings, works, equipment, machinery and plant, the same shall wholly or in part be destroyed or rendered unfit for operation, the party of the second part shall with all reasonable diligence and speed repair, reconstruct, and rebuild the same so that the said buildings, works, equipment, machinery and plant shall be in the same efficient condition and state as before said accident or destruction; and in the event of the same being in whole or in part destroyed by fire all insurance moneys payable to the corporation by reason of the provisions hereof and of said mortgage shall be re-advanced by them to the party of the second part for the purpose of such rebuilding, and this indenture and said mortgage shall remain in force and effect until the expiration and conclusion of said period of ten years.

12. Time shall be strictly of the essence of this indenture.

13. It is understood and agreed that the party of the second part will interest other parties with himself in the due carrying out of the provisions of this indenture, and the corporation on demand in writing shall be entitled to have executed by such other parties, the assigns of the party of the second part, such indentures assuming the covenants and obligations hereof to be observed and performed by the party of the second part as the corporation may be advised; and this indenture shall extend to and bind, and be exercisable by, for and against the heirs, executors, administrators and assigns of the party of the second part, and the successors and assigns of the corporation.

In witness whereof the parties hereto have duly executed these presents.

Signed, sealed and delivered
in the presence of
(Sgd.) J. H. FRAREY.
(Seal).
(Seal).

(Sgd) T. J. FOSTER,
Reeve.
(Sgd.) H. M. ROSS,
(Sgd.) EDWIN OWEN.
Clerk.

CHAPTER

CHAPTER 88.

An Act respecting the City of St. Thomas.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Corporation of the City of St. Thomas has, by its petition, represented that The St. Thomas Canning Company, Limited, has proposed to erect in the said city a factory for the canning of corn, peas, tomatoes, fruits, poultry and other products usually put up in a canning factory, and has applied to the council of the said city for a fixed assessment on the lands and buildings (including business assessment) to be occupied by said company and erected for such purposes at the sum of \$5,000, exclusive of school rates and local improvement rates, for a period of ten years from the commencement of operation of said factory, and that The St. Thomas Packing Company, Limited, has proposed to construct and establish in the said city a factory for the killing, curing and packing of hogs, and an abattoir for the slaughtering of cattle, sheep and other animals as well as a fertilizing plant, and has applied to the said council for a fixed assessment (including business assessment) on the lands purchased and the buildings to be erected thereon for said purposes at the sum of \$2,000, exclusive of school rates and local improvement rates, for a period of ten years from the commencement of operation of the said works; and whereas the said corporation has further represented that it is desirable and to the material benefit of the said city and the inhabitants thereof that the said fixed assessments should be granted; and whereas the said corporation has prayed that an Act may be passed authorizing the council of the said corporation to pass by-laws granting the said fixed assessments to the said companies respectively; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to
pass by-law
fixing assess-
ment of
St. Thomas
Canning Co.
at \$5,000 for
ten years.

1. Notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, to the contrary, the Municipal Council of the City of St. Thomas is hereby authorized and empowered to pass a by-law granting to The St. Thomas Canning Company, Limited, a fixed assessment on the lands and buildings occupied by the said company in the said city (including business assessment) of \$5,000, exclusive of school rates and local improvement rates, for a period of ten years from the commencement of operation of the said factory.

Authority to
pass by-law
fixing assess-
ment of
St. Thomas
Packing and
Abattoir Co.
at \$2,000 for
ten years.

2. Notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, to the contrary, the Municipal Council of the City of St. Thomas is hereby authorized and empowered to pass a by-law granting to The St. Thomas Packing Company, Limited, a fixed assessment on the lands and buildings occupied by the said company in the said city (including business assessment) of \$2,000, exclusive of school rates and local improvement rates, for a term of ten years from the commencement of operation of the works of the said company.

Fixed assess-
ment not to
apply to school
rates or local
improvements.

3. Nothing in either of the said by-laws or in any agreement that may be made with either of the said companies shall affect the assessment of the real estate and property of either of the said companies for school purposes or local improvements, and the said real estate and property shall be assessed for and shall be liable to taxes for school purposes and for local improvements in the same manner and to the same extent as if the said by-laws had not been passed.

CHAPTER 89.

An Act respecting the Town of Sault Ste. Marie.

Assented to 20th April, 1907.

WHEREAS the Corporation of the Town of Sault Ste. Marie has by petition represented that the council of the said Town of Sault Ste. Marie did on the first day of May, 1906, submit By-law No. 527 of the said town to the duly qualified ratepayers thereof, after duly publishing the said by-law in the issues of the *Sault Express*, a newspaper published in the said town; and whereas out of 1,500 votes entitled to be cast in respect of the said by-law 585 were cast in favour thereof and 77 against the same; and whereas said By-law 527 was finally passed by the council of said town on the 14th day of May, 1906; and whereas the said corporation has by petition further represented that the council of the said town did on the 10th day of December, 1906, finally pass By-law No. 538 intituled "By-law No. 538, Town of Sault Ste. Marie, to provide for borrowing money by the issue of debentures for paying the cost of construction of branch drains on Queen Street between Gore and Pim Streets, from the common sewer on Queen Street to the street line upon each side of said Queen Street"; and whereas doubts have arisen as to the validity of the said by-laws and as to the authority of the said corporation to pass the same; and whereas there is no action or other proceedings pending wherein the validity of either of the said by-laws has been or can be called in question; and whereas the said corporation has by petition prayed for special legislation in respect of the matters herein set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following by-laws of the Town of Sault Ste. Marie, namely, By-law No. 527 intituled "A by-law to raise \$9,333.33 1-3 to defray cost of street improvements in

By-laws Nos. 527 and 538 of the town of Sault Ste. Marie, confirmed.

in the Town of Sault Ste. Marie," and By-law No. 538 intituled "By-law No. 538, Town of Sault Ste. Marie, to provide for borrowing money by the issue of debentures for paying the cost of construction of branch drains on Queen Street between Gore and Pim Streets, from the common sewer on Queen Street to the street line upon each side of said Queen Street," as set out in Schedules "A" and "B" hereto, are declared to be and to have always been since the final passing thereof, valid, legal and existing by-laws of the said town and the debentures which may or shall be hereafter issued thereunder, when so issued, shall be legal and binding upon the said corporation and the ratepayers thereof.

Town required
to raise
additional sum
each year for
payment of
interest.

2. The Corporation of the Town of Sault Ste. Marie is hereby required in each year during the currency of the debentures authorized by said By-law No. 527 to raise and levy on all the rateable property in the said municipality the sum of \$10 for interest in addition to the amount required to be raised and levied each year for interest under the said By-law 527.

SCHEDULE "A."

BY-LAW NO. 527. TOWN OF SAULT STE. MARIE.

A By-law to raise \$9,333.33 $\frac{1}{4}$ to defray cost of Street Improvements in the Town of Sault Ste. Marie.

Whereas it is advisable to construct granolithic walks on certain portions of Queen Street lying between Pim and Gore Streets, and to macadamize Elgin Street between Queen and Bay Streets and Gore Street between Queen and Wellington Streets in said town;

And whereas it is estimated that the cost of constructing said granolithic walks will amount to \$13,000.00, and the cost of macadamizing said portions of said streets will amount to \$5,000.00, making a total cost of \$18,000.00;

And whereas it is proposed to pay the sum of \$4,333.33 $\frac{1}{4}$, being one-third of the cost of constructing said granolithic walks, together with the sum of \$5,000.00, cost of macadamizing, making a total of \$9,333.33 $\frac{1}{4}$, out of the general funds of the municipality, and the balance of \$8,666.66 $\frac{2}{3}$, being two-thirds of the cost of constructing said granolithic walks, it is proposed to raise under the local improvement system by a special rate to be assessed and levied upon the real property, according to the frontage thereof, immediately benefited by the construction of the said granolithic walks;

And whereas in order to carry on and pay for said improvements it will be necessary to issue debentures of the Municipality of the Town of Sault Ste. Marie, for the sum of \$9,333.33 $\frac{1}{4}$, which shall bear interest at four and a half per cent. per annum, and be redeemable in twenty years from the date thereof;

And whereas it will require the sum of \$410.00 to be raised annually by a special rate for the payment of the interest during the currency of the said debentures, and also the specific sum of \$347.35 to be raised annually for the creation of a sinking fund
for

for the payment of the principal, the two sums amounting together to the sum of \$757.35, to be raised by the annual rate;

And whereas the whole rateable property of the Town of Sault Ste. Marie, according to the last revised assessment roll, which is for the year 1905, is \$3,950,333.00;

And whereas the existing debenture debt of the said municipality is \$614,469.65, exclusive of school debentures amounting to \$30,000.00, authorized under By-law No. 524, but not yet issued, and no principal or interest is in arrear except \$9,717.45 interest in arrears on bonds held by the Ontario Government;

And whereas for the paying the interest and creating a yearly sinking fund for paying the said sum of \$9,333.33½ as hereinbefore mentioned, it will require an equal annual special rate sufficient therefor on all the rateable property in the municipality aforesaid in addition to all other rates to be raised and levied each year during the twenty years aforesaid:

Therefore the Municipal Council of the Corporation of the Town of Sault Ste. Marie enacts as follows:—

1. That for the purpose aforesaid it shall and may be lawful for the Municipal Council of the Town of Sault Ste. Marie to raise the said sum of \$9,333.33½ by the issue of debentures to that amount.

2. That it shall and may be lawful for the Mayor of the said Town of Sault Ste. Marie, and he is hereby required to issue debentures of the said town for the amount of \$9,333.33½, in sums of not less than \$100.00 each, which debentures shall be signed by the Mayor and be sealed with the seal of the Town of Sault Ste. Marie, and be countersigned by the Treasurer of the said Town of Sault Ste. Marie, and be delivered to the respective purchasers thereof on value received therefor.

3. The said debentures shall be made payable on the 15th day of April, 1926, and shall bear interest at the rate of four and one-half per cent. per annum from the date thereof, which interest shall be payable at the Canadian Bank of Commerce at Sault Ste. Marie, on the thirtieth days of June and December in each and every year during their currency, and shall have attached to them coupons for the payment of the said interest.

4. For the purpose of providing for the payment of the said debentures and interest, the sum of \$410.00 for the payment of the said interest and the sum of \$347.35 for the payment of the said debt, shall in addition to all other rates be assessed, raised, levied and collected upon all the rateable property in the said municipality in each year during the currency of the said debentures by special rate sufficient therefor.

5. This by-law shall take effect and come into force on, from and after the final passing thereof.

And whereas this by-law requires the assent of the electors as required by law;

And whereas it is necessary to appoint a time and place for taking a poll of the electors on the said by-law;

6. Be it therefore further enacted that the votes of the electors being ratepayers qualified to vote on by-laws shall be taken on this by-law on Tuesday, the 1st day of May, 1906, by the Deputy Returning Officers hereinafter named, who are hereby appointed Deputy Returning Officers, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the undermentioned places:—

Polling subdivision No. 1, at VanNorman's store, Pim Street; Donald Cameron, Deputy Returning Officer.

Polling subdivision No. 2, at Reid's store, Bruce Street Hill; G. A. Upper, Deputy Returning Officer.

Polling subdivision No. 3, at Gascoigne's House, Bruce Street; J. S. Upper, Deputy Returning Officer.

Polling subdivision No. 4, at Council Chamber, Queen Street; Albert Carney, Deputy Returning Officer.

Polling

Polling subdivision No. 5, at F. E. Crawford's office, Queen Street; F. E. Crawford, Deputy Returning Officer.

Polling subdivision No. 6, at Star Office Building, Queen Street; George Blain, Deputy Returning Officer.

Polling subdivision No. 7, at Hussey Block, Queen Street; T. Robinson, Deputy Returning Officer.

Polling subdivision No. 8, at Baslaugh's store, Queen Street; T. J. O'Connor, Deputy Returning Officer.

Polling subdivision No. 9, at Dr. McCaig's store, Superior Street; M. C. McQuaig, Deputy Returning Officer.

7. On Monday, the 30th day of April, 1906, at eleven o'clock in the forenoon, at the office of the Clerk of the Town of Sault Ste. Marie, the Mayor shall appoint in writing signed by him two persons to attend at the final summing up of the votes by the Clerk, and one person to attend to each of the said polling places on behalf of the persons interested in and desirous of promoting the passing of this by-law, and the like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

8. The Clerk of the said town shall attend at his office, in the Town of Sault Ste. Marie, at the hour of twelve o'clock noon, on the 2nd day of May, 1906 to sum up the number of votes given for and against this by-law.

Provided the assent of the duly qualified electors is obtained to this by-law the said council shall finally consider the same within six weeks thereafter.

Read a first and second time this 26th day of March, 1906.

(Sgd.) C. J. PIM,
Clerk.

Read a third time and finally passed in open Council this 14th day of May, 1906.

(Sgd.) C. J. PIM,
Clerk.

(Sgd.) J. H. GIMBY,
Mayor.

SCHEDULE "B."

BY-LAW NO. 538. TOWN OF SAULT STE. MARIE.

To provide for borrowing money by the issue of debentures for paying the cost of construction of Branch Drains on Queen Street, between Gore and Pim Streets from the common sewer on Queen Street to the street line upon each side of said Queen Street.

Whereas upon the recommendation of the Town Engineer, and in the opinion of the Council of the Corporation of the Town of Sault Ste. Marie it became desirable and necessary to construct branch drains on Queen Street between Gore and Pim Streets in the said town from the common sewer heretofore constructed in the centre of Queen Street, to the said line upon each side of said Queen Street, as a local improvement;

And whereas the said council gave notice of its intention to construct the said branch drains and to assess and levy the cost of the said construction or work upon the lands benefited thereby;

And whereas although duly notified as aforesaid, the majority of the owners of the said lands representing at least one-half of the value thereof have not petitioned the said council against the said work and assessment;

And whereas the said council has constructed the said branch drains from the centre of said Queen Street to the line along the adjoining lands and the total cost thereof is \$8,119.74, which is the debt to be created by this by-law, and is to be defrayed by the rate-payers benefited;

And

And whereas the said council at a regular meeting thereof held on the 10th day of December, 1906, passed a resolution supported by all the members of said council to assess and levy the said sum of \$8,119.74, being the cost of the construction of said branch drains as aforesaid by a special rate upon the lands benefited thereby;

And whereas the amount to be assessed and levied upon each adjoining property so benefited is the cost of construction of the branch drain to each adjoining property, which said cost of construction is hereinafter particularly set out in said Section Five (5) of this by-law;

And whereas it has been ascertained and determined that the lands hereinafter particularly mentioned and described in said Section Five (5) of this by-law adjoining said Queen Street and lying between the easterly limit of Gore Street and the westerly limit of Pim Street are benefited by the construction of said branch drains;

And whereas it is expedient to raise the said sum of \$8,119.74 by the issue of debentures for that amount;

And whereas it will require the sum of \$405.98 to be raised annually for the payment of the interest at five per cent. per annum during the currency of the debentures hereby authorized, and also the specific sum of \$170.51 to be raised annually for the creation of a sinking fund for the payment of the debt, the said sums together amounting to the sum of \$576.49;

And whereas the whole rateable property of the said town, according to the last revised assessment roll for the year 1906 is \$4,003,976.00;

And whereas the existing debenture debt of the said town is \$644,469.65, and no principal or interest is in arrear except \$10,228.90 interest in arrear on bonds held by the Ontario Government;

Therefore the Corporation of the Town of Sault Ste. Marie enacts as follows:—

1. The cost of construction of said branch drains by the Corporation of the Town of Sault Ste. Marie shall be borne by the properties benefited thereby.

2. That the Mayor of the said Town of Sault Ste. Marie is hereby authorized to issue debentures of the said town to the amount of \$8,119.74, being the cost of construction of said branch drains, and the proceeds thereof shall be used and expended in paying the temporary loan obtained for the said construction of said branch drains as a local improvement, and in no other way whatever.

3. The said debentures shall be signed by the Mayor and Treasurer of the Town of Sault Ste. Marie and sealed with the corporate seal, and shall bear interest at the rate of five per centum per annum from the date of issue thereof, and shall have attached to them coupons for the payment of the interest, and such debentures and interest coupons shall be payable at the office of the Canadian Bank of Commerce, Sault Ste. Marie, Ontario, and the debentures shall be payable on the first day of December, A.D. 1936, and the interest yearly on the first day of December in each year.

4. To provide for the payment of the said sum of \$8,119.74 the total cost of the construction of said branch drains, being the debt created by this by-law, and the interest thereon, the sum of \$405.98 for the payment of the said interest and the sum of \$170.51 for the payment of the said debt, the two sums making together the sum of \$576.49, shall be raised annually for a period of thirty (30) years, commencing in the year 1907, by a special rate sufficient therefor imposed and levied under the provisions of this by-law upon the hereinafter mentioned lands benefited by the construction of the said branch drains over and above all other rates and taxes, which said special rates shall be sufficient to produce in each year the said sum of \$576.49 and shall be annually inserted in a roll prepared for that purpose in each year during the next thirty years, and shall be

be levied and collected on the lands benefited in the same manner and at the same time as the other taxes are levied and collected.

5. The following lots and parts of lots, being the lands benefited as aforesaid, shall be charged with the several amounts set opposite such respective lots and parts of lots for the annual interest on said cost of construction hereunder set opposite such respective lots or parts of lots, and for the annual sinking fund required to pay the said debt incurred in the construction of said branch drains to said lands, namely:—

| Description of Lot or Part of Lot being lands benefited. | Benefit being cost of con- struction. | Annual Interest. | Annual Sinking Fund to pay debt. | Total annual assess- ment for 30 years. |
|---|--|---------------------|---|--|
| Lot 2 Goin Sub. | \$68 24 | \$3 41 | \$1 43 | \$4 84 |
| W. $\frac{1}{2}$ 2 Parr Sub. | 49 06 | 2 45 | 1 03 | 3 48 |
| 4 Manning Sub. | 48 79 | 2 44 | 1 02 | 3 46 |
| 5 Manning Sub. | 38 67 | 1 93 | 82 | 2 75 |
| 23 and 24 South Queen | 44 19 | 2 20 | 94 | 3 14 |
| 8 McCrea Sub. | 51 32 | 2 57 | 1 08 | 3 65 |
| 7 McCrea Sub. | 51 32 | 2 57 | 1 08 | 3 65 |
| 3 Wilson "A" | 43 75 | 2 19 | 93 | 3 12 |
| 4 Wilson "A" | 44 95 | 2 25 | 94 | 3 19 |
| E. $\frac{1}{2}$ 6 Stonehouse Sub. | 38 20 | 1 91 | 81 | 2 72 |
| 5 McCrea Sub. | 61 75 | 3 09 | 1 31 | 4 40 |
| 6 McCrea Sub. | 61 00 | 3 05 | 1 28 | 4 33 |
| 4 McCrea Sub. | 93 48 | 4 67 | 1 96 | 6 63 |
| 12 Sayers Sub. | 47 61 | 2 38 | 1 00 | 3 38 |
| 23 Bell and Brown Sub. | 43 75 | 2 19 | 93 | 3 12 |
| 5 Wilson "A" | 46 55 | 2 33 | 99 | 3 32 |
| 1 Wilson "A" | 41 47 | 2 07 | 87 | 2 94 |
| 2 Wilson "A" | 39 07 | 1 95 | 83 | 2 78 |
| 11 Plummer and Smith Sub. | 37 47 | 1 87 | 78 | 2 65 |
| 10 Plummer and Smith Sub. | 41 67 | 2 08 | 88 | 2 96 |
| 13 Plummer and Smith Sub. | 43 75 | 2 19 | 93 | 3 12 |
| 16 Plummer and Smith Sub. | 55 12 | 2 76 | 1 16 | 3 92 |
| 12 Plummer and Smith Sub. | 60 87 | 3 04 | 1 28 | 4 32 |
| 7 Plummer and Smith Sub. | 80 05 | 4 00 | 1 68 | 5 68 |
| 11 Stonehouse Sub. | 47 56 | 2 38 | 1 00 | 3 38 |
| 10 Stonehouse Sub. | 43 16 | 2 16 | 92 | 3 08 |
| 17 Plummer and Smith | 67 15 | 3 35 | 1 42 | 4 77 |
| 15 Plummer and Smith | 57 07 | 2 85 | 1 20 | 4 05 |
| 9 Plummer and Smith | 45 35 | 2 27 | 95 | 3 22 |
| 8 Plummer and Smith | 51 22 | 2 56 | 1 08 | 3 64 |
| 18 Plummer and Smith | 56 88 | 2 84 | 1 18 | 4 02 |
| E. 29 feet 1 Sayers Sub. 732 | 55 87 | 2 80 | 1 17 | 3 97 |
| Parts lots 1 & 2, Sayers Sub. 732 | 53 98 | 2 70 | 1 03 | 3 73 |
| 3 McCrea Sub. | 79 71 | 3 99 | 1 67 | 5 66 |
| 2 McCrea Sub. | 74 91 | 3 75 | 1 57 | 5 32 |
| 12 and 13 Wilson "A" | 92 94 | 4 65 | 1 95 | 6 60 |
| 6 Plummer and Smith Sub. | 49 23 | 2 46 | 1 03 | 3 49 |
| 5 Plummer and Smith Sub. | 45 03 | 2 25 | 95 | 3 20 |
| 4 Plummer and Smith Sub. | 56 19 | 2 82 | 1 18 | 4 00 |
| 3 Plummer and Smith Sub. | 50 19 | 2 50 | 1 05 | 3 55 |
| 5 Herrick Sub. | 34 90 | 1 75 | 73 | 2 48 |
| 4 Herrick Sub. | 41 74 | 2 09 | 88 | 2 97 |
| 2 Plummer and Smith Sub. | 69 43 | 3 47 | 1 46 | 4 93 |
| 1 Plummer and Smith Sub. | 64 63 | 3 23 | 1 36 | 4 59 |
| 4 Stonehouse Sub. | 39 60 | 1 98 | 83 | 2 81 |
| W. $\frac{1}{2}$ of W. $\frac{1}{2}$ 13, South Queen | 39 34 | 1 96 | 83 | 2 79 |
| E. $\frac{1}{2}$ of W. $\frac{1}{2}$ 13, South Queen | 38 74 | 1 94 | 81 | 2 75 |
| 4 McDougall Sub. | 45 35 | 2 26 | 95 | 3 21 |
| 6 McDougall Sub. | 45 35 | 2 26 | 95 | 3 21 |
| 23 Bell and Brown | 44 95 | 2 25 | 94 | 3 19 |

37a s

Description

| Description of Lot or Part of Lot being lands benefited. | Benefit being cost of con- struction. | Annual Interest. | Total | |
|---|--|---------------------|---|---|
| | | | Annual Sinking Fund to pay debt. | annual assess- ment for 30 years. |
| 1 Turner Sub. | 52 17 | 2 61 | 1 10 | 3 71 |
| 3 McDougall Sub. | 43 75 | 2 19 | 92 | 3 11 |
| 2 Turner Sub. | 41 16 | 2 06 | 86 | 2 92 |
| W. $\frac{1}{2}$ of W. $\frac{1}{2}$ 19, North Queen ... | 82 92 | 4 15 | 1 74 | 5 89 |
| E. $\frac{1}{2}$ of W. $\frac{1}{2}$ 19, North Queen ... | 77 52 | 3 88 | 1 63 | 5 51 |
| W. $\frac{1}{2}$ of E. $\frac{1}{2}$ 19, North Queen ... | 85 79 | 4 29 | 1 80 | 6 09 |
| E. $\frac{1}{2}$ of E. $\frac{1}{2}$ 19, North Queen ... | 79 79 | 3 99 | 1 68 | 5 67 |
| W. $\frac{1}{2}$ of E. $\frac{1}{2}$ 13, South Queen ... | 41 88 | 2 09 | 87 | 2 96 |
| E. $\frac{1}{2}$ of E. $\frac{1}{2}$ 13, South Queen ... | 41 88 | 2 09 | 87 | 2 96 |
| 3 Dunn "A" | 82 00 | 4 10 | 1 73 | 5 83 |
| 1 Dunn "A" | 82 00 | 4 10 | 1 73 | 5 83 |
| 11 Sayers Sub. 732 | 68 45 | 3 42 | 1 44 | 4 86 |
| 20 and part 21 Bell and Brown ... | 82 00 | 4 10 | 1 73 | 5 83 |
| 5 South Queen | 72 70 | 3 63 | 1 53 | 5 16 |
| 2 Farwells Sub. | 90 41 | 4 52 | 1 90 | 6 42 |
| 3 Farwells Sub. | 87 31 | 4 37 | 1 83 | 6 20 |
| E. $\frac{1}{2}$ of E. $\frac{1}{2}$ 14, South Queen ... | 46 33 | 2 32 | 97 | 3 29 |
| W. $\frac{1}{2}$ of E. $\frac{1}{2}$ 15, South Queen ... | 40 08 | 2 00 | 84 | 2 84 |
| 14 and 15 Farwells Sub. | 83 79 | 4 19 | 1 76 | 5 95 |
| 2 and 3 Bell and Brown Sub. ... | 64 22 | 3 21 | 1 35 | 4 56 |
| 6 and 7 Graham Sub. | 43 75 | 2 19 | 92 | 3 11 |
| W. $\frac{1}{2}$ of W. $\frac{1}{2}$ 26, North Queen ... | 45 55 | 2 28 | 96 | 3 24 |
| 4 Ripley Sub. | 47 35 | 2 37 | 1 00 | 3 37 |
| 3 Ripley Sub. | 44 95 | 2 25 | 94 | 3 19 |
| W. $\frac{1}{2}$ of W. $\frac{1}{2}$ 26, North Queen ... | 39 35 | 1 97 | 83 | 2 80 |
| W. $\frac{1}{2}$ of E. $\frac{1}{2}$ 33, North Queen ... | 43 75 | 2 19 | 92 | 3 11 |
| W. $\frac{1}{2}$ of E. $\frac{1}{2}$ 39, North Queen ... | 38 35 | 1 91 | 81 | 2 72 |
| W. $\frac{1}{2}$ of W. $\frac{1}{2}$ 33, North Queen ... | 43 75 | 2 19 | 92 | 3 11 |
| E. $\frac{1}{2}$ of E. $\frac{1}{2}$ 33, South Queen ... | 43 75 | 2 19 | 92 | 3 11 |
| 2 Sherwoods Sub. | 43 75 | 2 19 | 92 | 3 11 |
| 11 Sherwoods Sub. | 36 60 | 1 83 | 77 | 2 60 |
| 10 Sherwoods Sub. | 38 60 | 1 93 | 81 | 2 74 |
| W. $\frac{1}{2}$ of W. $\frac{1}{2}$ 33, North Queen ... | 48 55 | 2 43 | 1 02 | 3 45 |
| W. $\frac{1}{2}$ of E. $\frac{1}{2}$ 9, North Queen ... | 43 75 | 2 19 | 92 | 3 11 |
| 4 Sayers Sub. 225 | 50 15 | 2 50 | 1 05 | 3 55 |
| E. 30 feet 9, North Queen | 43 75 | 2 19 | 92 | 3 11 |
| W. $\frac{1}{2}$ of W. $\frac{1}{2}$ 9, North Queen ... | 80 80 | 4 04 | 1 70 | 5 74 |
| E. $\frac{1}{2}$ of W. $\frac{1}{2}$ 9, North Queen ... | 62 28 | 3 11 | 1 30 | 4 41 |
| 3 Sayers Sub. 225 | 43 70 | 2 18 | 91 | 3 09 |
| E. 25 feet 10, North Queen | 66 82 | 3 34 | 1 40 | 4 74 |
| 8 and 9, Sayers Sub. 732 | 87 35 | 4 37 | 1 83 | 6 20 |
| 3 Sayers Sub. 732 | 86 45 | 4 32 | 1 81 | 6 13 |
| 4 Sayers Sub. 732 | 87 65 | 4 38 | 1 84 | 6 22 |
| W. $\frac{1}{2}$ of W. $\frac{1}{2}$ 7, North Queen ... | 66 87 | 3 34 | 1 40 | 4 74 |
| E. $\frac{1}{2}$ of E. $\frac{1}{2}$ 7, North Queen ... | 61 62 | 3 08 | 1 29 | 4 37 |
| E. $\frac{1}{2}$ of W. $\frac{1}{2}$ 7, North Queen ... | 45 35 | 2 26 | 95 | 3 21 |
| 1 Sayers Sub. 225 | 43 75 | 2 19 | 93 | 3 12 |
| W. $\frac{1}{2}$ of W. $\frac{1}{2}$ 14, South Queen ... | 41 28 | 2 06 | 87 | 2 93 |
| E. $\frac{1}{2}$ of W. $\frac{1}{2}$ 40 North Queen... | 45 46 | 2 28 | 95 | 3 23 |
| W. $\frac{1}{2}$ of W. $\frac{1}{2}$ 40 North Queen... | 43 75 | 2 19 | 93 | 3 12 |
| E. $\frac{1}{2}$ or W. $\frac{1}{2}$ 40 North Queen... | 45 46 | 2 28 | 95 | 3 23 |
| 1 Delano Sub. | 43 75 | 2 19 | 93 | 3 12 |
| 10 Sayers Sub. 732 | 77 80 | 3 89 | 1 63 | 5 52 |
| E. 15 ft. 5 Stonehouse Sub. | 34 46 | 1 73 | 72 | 2 46 |
| 4 Stonehouse Sub. | 34 86 | 1 75 | 73 | 2 48 |
| W. 31 ft. 5 Parrs Sub. | 63 77 | 3 44 | 1 44 | 4 88 |
| W. 26 ft. 4&E. 15 ft. 5 Parrs Sub. | 86 97 | 4 35 | 1 83 | 6 18 |
| 8 Sayers Sub. | 88 20 | 4 41 | 1 85 | 6 26 |
| E. $\frac{1}{2}$ of W. $\frac{1}{2}$ 2 North Queen ... | 61 55 | 3 08 | 1 29 | 4 37 |

Description

And there shall be payable in respect of said lands the annual amounts set opposite such lands, interest and sinking fund for a period of thirty years, commencing in the year 1907, which said annual payments shall be a special rate imposed, levied and collected against the said lands for the purpose of paying the cost of the construction of said branch drains and shall constitute a lien or charge upon the lands above mentioned for such purpose.

6. If at any time the owners of the said lands hereinbefore described or of any part thereof shall desire to commute the assessment imposed by this by-law by the payment of his, her or their respective share or shares of the cost thereof as a principal sum in lieu thereof he, she or they may so commute by the payment of a sum which invested at three per cent. compound interest shall equal the amount of his, her or their proportionate share of said debt.

debt and be sufficient to discharge the proportionate amount of said debenture and interest as the same becomes payable and all moneys received in commutation under this by-law shall be invested by the Treasurer under the resolution of this Council from time to time as the law directs.

7. The said debt which is to be created on the security of the special rates settled by this by-law and on that security only is further guaranteed by the municipality at large.

8. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture or any interest thereon shall not after a certificate of ownership has been indorsed thereon by the Treasurer of this municipal corporation be transferable except by entry by the Treasurer or his deputy in the debenture registry book of the said Corporation of the Town of Sault Ste. Marie."

9. This by-law shall come into operation and take effect on the day of the passing thereof.

Read a first, second and third time and finally passed in open Council this 10th day of December, 1906.

(Sgd.) J. H. GIMBY,
Mayor.

(Sgd.) C. J. PIM,
Clerk.

(Corporate Seal).

CHAPTER 90.

An Act respecting the Town of Seaforth.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Corporation of the Town of Seaforth has, by its petition, represented that By-law No. 15 for 1904, of the Town of Seaforth, which is set forth in Schedule "A" to this Act, was duly submitted to the vote of the electors on 2nd January, 1905, and carried by a vote of 328 to 31, the total number entitled to vote being 439, and on 26th January, 1905, it was passed by the Council of the said Town; that the additional works in respect of which the bonus by the said by-law was granted had been completed and the Canada Furniture Manufacturers, Limited, are entitled to such bonus, but pending such completion the debentures have not been issued within the time mentioned in the said by-law and no levy for payment thereof has been made, and it has thus become necessary to postpone the dates for the issue and for the payment of the said debentures and for such levy, and the said Corporation has prayed that the same may be authorized, and that the property of the said Company should be liable to taxes for school purposes notwithstanding anything in the said by-law, and that the by-law in other respects be confirmed; and whereas the said Corporation has further represented that By-law No. 11, for 1906, of the said Town, which is set forth in Schedule "B" to this Act, was duly submitted to the vote of the electors on 11th June, 1906, and carried by a vote of 362 to 15, the total number entitled to vote being 484, and on 20th June, 1906, was passed by the Council of the said Town; and whereas the said Corporation has further represented that By-law No. 27, for 1907, to authorize the issue of debentures to the amount of \$26,500 for certain local improvements was passed unanimously by the council on the 9th day of January, 1907, and is set forth in Schedule "C" to this Act; and whereas the said Corporation has further represented that the value of the debentures authorized by the said two last mentioned by-laws would be enhanced by the confirmation of such by-laws; and whereas no objections have been raised to any of the said

said by-laws nor to the confirmation thereof, and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Corporation of the Town of Seaforth to issue the debentures to the amount of \$20,000 authorized by said By-law No. 15, such debentures to bear interest from 15th January, 1907, and be payable in 20 years from that date; and it shall further be lawful for the said Corporation and it is hereby required in the year 1907 and in each of the next succeeding 19 years to raise, levy and collect by special rate upon all rateable property in the said town the sum of \$1,571.64 for the purpose of paying the interest on and forming a sinking fund for the payment of the said debentures, and subject to section 2 of this Act the said by-law and the debentures to be issued as hereby authorized and all assessments made or to be made for the payment thereof are hereby confirmed and declared to be legal, valid and binding.

Issue of debentures for \$20,000. Bonus to Canada Furniture Manufacturers.

2. Notwithstanding anything contained in the said By-law Number 15, for 1904, the property of the said company shall be liable to taxes for school purposes in the same manner and to the same extent as if the said by-law had not contained the sixth enacting clause thereof.

Taxation for school purposes.

3. The said By-laws No. 11, for 1906, and No. 27, for 1907, set out in Schedules "B" and "C" hereto and all debentures issued or to be issued thereunder and all assessments made or to be made for payment thereof are hereby confirmed and declared to be legal, valid and binding.

By-laws Nos. 11 of 1906 and 27 of 1907, confirmed.

SCHEDULE "A."

BY-LAW No. 15 OF THE TOWN OF SEAFORTH FOR 1904.

A By-law to raise by way of loan the sum of \$20,000 for the purpose of loaning the same to the Canada Furniture Manufacturers, Limited, to assist them in extending their premises in the Town of Seaforth.

And whereas it will require the sum of \$637.53 to be raised annually by special rate for the payment of the debt as hereinafter mentioned.

And whereas it will require the sum of \$900 to be raised annually for the payment of the interest as hereinafter mentioned.

And whereas the whole rateable property of the Town of Seaforth, irrespective of any increase in the nature of tolls, interest, dividends, rents or fees from the said property, and also irrespective of any increase derived from the temporary investment of the sinking fund, or any part thereof, according to the last revised assessment roll of the said town, being for the year 1904, is the sum of \$615,330.

And

And whereas the existing debenture debt of the Town of Seaforth is as follows:—

\$5,500 borrowed under the authority of By-law No. 2 of the Town of Seaforth for 1886.

\$6,000 borrowed under the authority of By-law No. 3 of the Town of Seaforth for 1887.

\$2,500 borrowed under the authority of By-law No. 8 of the Town of Seaforth for 1891.

\$14,000 borrowed under the authority of By-law No. 8 of the Town of Seaforth for 1893.

\$3,500 borrowed under the authority of By-law 25 B., of the Town of Seaforth.

\$17,000 borrowed under the authority of By-law No. 5 of the Town of Seaforth for 1899.

\$1,500 borrowed under the authority of By-law No. 26 of the Town of Seaforth for 1886.

\$8,000 borrowed under the authority of By-law No. 20 (local improvement) of the Town of Seaforth for 1901.

\$3,700 borrowed under the authority of By-law No. 2 (local improvement) for 1902.

\$7,889.20 borrowed under the authority of By-law No. 24A, of the Town of Seaforth for 1902.

\$1,500 borrowed under the authority of By-law No. 2 (local improvement) of the Town of Seaforth for 1903.

\$10,000 borrowed under the authority of By-law No. 8 of the Town of Seaforth for 1902.

\$1,000 borrowed under the authority of By-law No. 7 of the Town of Seaforth for 1899.

And there is nothing in arrears either for principal or interest.

And whereas it is made necessary to appoint the time and places for taking the votes of the duly qualified electors and for appointing Deputy Returning Officers to take the votes of the duly qualified electors at the meeting.

Be it therefore enacted by the Municipal Council of the Town of Seaforth,

1. That it shall be lawful for the Mayor of the said corporation to raise, by way of loan from any person, body or bodies corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned, a sum of money not exceeding in the aggregate the sum of \$20,000.

2. That it shall be lawful for the Mayor to cause any number of debentures to be made for such sums of money as may be required not less than one hundred dollars each and not exceeding in the aggregate the sum of \$20,000, and that the said debentures shall be sealed with the seal of the said corporation, and signed by the Mayor and the Treasurer thereof.

3. That said debentures shall bear interest at and after the rate of four and one-half per cent. per annum from the day mentioned for this by-law to take effect, which interest shall be payable annually on the 15th day of January in each and every year, at the office of the Treasurer of the said Municipality of the Town of Seaforth.

4. That said debentures shall be made payable at the expiration of twenty years from the date mentioned for this by-law to take effect at the office of the Treasurer of the said Municipality of the Town of Seaforth, and shall have attached to them coupons for the payment of interest.

5. That for the purpose of forming a sinking fund for the payment of the said debentures an equal annual sum of \$637.53 shall, in addition to all other rates, be raised, levied and collected by special rate upon all the rateable property in the said corporation during the currency of the said debentures, or any of them, and for the purpose of paying the interest on the said debentures an equal annual sum of \$900.00 shall, in addition to all other rates, be raised, levied and collected upon all the rateable property of the said corporation during the currency of the said debentures or any of them.

6. That it shall be lawful for the said corporation to lend the sum of twenty thousand dollars, to be raised under this by-law, to the Canada Furniture Manufacturers, Limited, for the purpose of aiding them to extend their business in Seaforth, as furniture manufacturers, without interest, to be secured by a mortgage upon the lands, buildings and plant of the said Canada Furniture Manufacturers' premises, both on the present factory and the one to be built. Said loan to be repaid in twenty annual instalments of one thousand dollars each. And that the assessment on the whole property, new and old, shall not exceed the sum of \$12,000 per annum for a term of ten years, the said assessment to be for all rates, including general rates, county rate and school rate.

7. That the votes of the duly qualified electors shall be taken on Monday, January 2nd, 1905, between the hours of 9 a.m. and 5 p.m., at the following places: Polling subdivision No. 1, at the Public School; R. Lumsden, Deputy Returning Officer. Polling subdivision No. 2, at the Council Room; William Elliott, Deputy Returning Officer. Polling subdivision No. 3, at O. C. Wilson's store; H. J. Punchard, Deputy Returning Officer.

8. That the Mayor of the said municipal corporation shall attend at the council room on Friday, the 30th day of December, 1904, at 2 o'clock p.m., for the purpose of appointing persons to attend at the various polling places aforesaid, and summing up of votes respectively on behalf of persons interested in and promoting or opposing the by-law, respectively.

9. That the Clerk of the municipal corporation shall, at the hour of twelve o'clock noon, on Tuesday, January 3rd, 1905, at the Town Hall, sum up the votes given for and against the by-law and grant the requisite certificates thereunder.

10. This by-law, if carried by the votes of the electors, shall take effect on and from the date of the passing thereof.

Passed in open council this 26th day of January, A.D. 1905.

(Seal.)

N. CLUFF,

Mayor.

WM. ELLIOT,

Clerk.

SCHEDULE "B."

BY-LAW NO. 11 OF THE TOWN OF SEAFORTH, FOR 1906.

A By-law to raise by way of loan the sum of \$10,000 for the purpose of loaning the same to W. H. Willis Shoe Company, to aid them in establishing and operating a Shoe Factory at the said Town of Seaforth.

And whereas it will require the sum of \$335.82 to be raised annually by special rate for the payment of the debt as hereinafter mentioned.

And whereas it will require the sum of \$450.00 to be raised annually for the payment of the interest as hereinafter mentioned.

And whereas the whole rateable property of the Town of Seaforth, irrespective of any increase in the nature of tolls, interests, dividends, rents or fees from the said property, and also irrespective of any increase derived from the temporary investment of the sinking fund or any part thereof, according to the last revised assessment roll of the said town, being the year 1905, is the sum of \$651,326.00.

And whereas the existing debenture debt of the Town of Seaforth is as follows:—

\$5,500.00 borrowed under the authority of By-law 11a of the Town of Seaforth for 1886.

\$6,000.00 borrowed under the authority of By-law No. 3 of the Town of Seaforth for 1889.

\$2,500.00 borrowed under the authority of By-law No. 8 of the Town of Seaforth for 1891.

\$14,000.00

\$14,000.00 borrowed under the authority of By-law No. 8 of the Town of Seaforth for 1892.

\$3,500.00 borrowed under the authority of By-law No. 25b of the Town of Seaforth for 1892.

\$1,500.00 borrowed under the authority of By-law No. 26 of the Town of Seaforth for 1896.

\$17,000.00 borrowed under the authority of By-law No. 5 of the Town of Seaforth for 1899.

\$1,000.00 borrowed under the authority of By-law No. 7 of the Town of Seaforth for 1899.

\$8,000.00 borrowed under the authority of By-law No. 20 (local improvement), of the Town of Seaforth for 1901.

\$10,000.00 borrowed under the authority of By-law No. 8 of the Town of Seaforth for 1902.

\$3,700.00 borrowed under the authority of By-law No. 2 (local improvement), of the Town of Seaforth for 1902.

\$7,889.20 borrowed under the authority of By-law No. 24a of the Town of Seaforth for 1902.

\$1,500.00 borrowed under the authority of By-law No. 2 (local improvement), of the Town of Seaforth for 1903.

\$4,000.00 borrowed under the authority of By-law No. 10a of the Town of Seaforth for 1903.

\$2,400.00 borrowed under the authority of By-law No. 16 (local improvement), of the Town of Seaforth for 1904.

And \$2,500.00 borrowed under the authority of By-law No. 14 (local improvement), of the Town of Seaforth for 1905.

And there is nothing in arrears for either principal or interest.

And whereas it is made necessary to appoint the time and places for taking the votes of the duly qualified electors and for appointing Deputy Returning Officers to take the votes of the duly qualified electors.

Be it therefore enacted by the Municipal Council of the Town of Seaforth.

1. That it shall be lawful for the Mayor of the said corporation to raise by way of loan from any person, body or bodies corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned, a sum of money not exceeding in the aggregate the sum of \$10,000.00, which is the amount of the debt intended to be created by this by-law.

2. That it shall be lawful for the Mayor to cause any number of debentures to be made for such sums of money as may be required, not less than \$100.00 each, and not exceeding in the aggregate the sum of \$10,000 and that the said debentures shall be sealed with the seal of said corporation and signed by the Mayor and Treasurer thereof.

3. The said debentures shall bear interest at the rate of four and one-half per cent. per annum, which interest shall be payable at the office of the Treasurer of said corporation in each and every year during the currency of said debentures, on the 19th day of June.

4. That said debentures shall be made payable at the expiration of twenty years from the date mentioned for this by-law to take effect, at the office of the Treasurer of said corporation, and shall have attached to them coupons for the payment of the interest.

5. That for the purpose of forming a sinking fund for the payment of the said debentures an equal annual sum of \$335.82 shall, in addition to all other rates, be raised, levied and collected by special rate upon all the rateable property in the said corporation during the currency of the said debentures or any of them and for the purpose of paying the interest on the said debentures an equal annual sum of \$450 shall, in addition to all other rates, be raised, levied, and collected by special rate upon all the rateable property of the said corporation during the currency of the said debentures or any of them.

6. That it shall be lawful for the said Corporation of the Town of Seaforth to loan the sum of \$10,000.00 to be raised under this by-law to W. H. Willis Shoe Company, for the purpose of aiding them to establish and operate a shoe factory at the said Town of Seaforth, on the terms and conditions set forth in their written application for such loan, dated the 10th day of May, 1906, said loan to be secured by a first mortgage in favour of said corporation upon the lands, buildings, machinery and plant of the said company and to be repayable in twenty (20) equal annual instalments of \$500.00 each, without interest, and a bond for \$5,000 satisfactory to the council of said corporation, said buildings and plant, and other property, to be insured in favour of said corporation for \$10,000.00, in first-class insurance companies.

7. And it shall be lawful for the municipal council of the said corporation to fix the assessment on the company's lands, buildings and plant at \$3,000.00 for a term of ten years, the said fixed assessment to be for the fixing of all rates, save school rates.

8. That the votes of the duly qualified electors shall be taken on Monday, the 11th day of June, 1906, between the hours of nine a.m. and five p.m. at the following places by the following Deputy Returning Officers, viz.: Polling subdivision No. 1, at the Public School, R. Lumsden, Deputy Returning Officer; Polling subdivision No. 2, at the Council Room, in the Town Hall, John R. Thompson Deputy Returning Officer; Polling subdivision No. 3, at D. Shanahan's implement shop, H. J. Punchard, Deputy Returning Officer.

9. That the Mayor of the said municipal corporation shall attend at the council room on Monday, the 4th day of June, 1906, at two o'clock in the afternoon for the purpose of appointing persons to attend at the various polling places aforesaid and the summing up of votes respectively on behalf of persons interested in and promoting or opposing the by-law respectively.

10. That the Clerk of the said municipal corporation shall, at the hour of twelve o'clock noon, on Tuesday, the 12th day of June, 1906, at the Town Hall, sum up the votes given for and against the by-law, and grant the requisite certificates.

11. This by-law, if carried by the votes of the electors, shall take effect on the day of the final passing thereof.

Dated at Town Hall, Seaforth, this 14th day of May, 1906.

Passed in open council this 20th day of June, A.D. 1906.

(Seal.)

M. BRODERICK,
Mayor.
JNO. A. WILSON,
Clerk.

SCHEDULE "C."

BY-LAW NO. 27 FOR 1907, OF THE TOWN OF SEAFORTH, IN THE
COUNTY OF HURON.

A By-law to provide for borrowing money by the issue of debentures of the said Town of Seaforth for the sum of \$26,500.00 to defray the cost of paving a portion of Main Street, in said Town of Seaforth.

Whereas in the opinion of the Council of the Corporation of the said Town of Seaforth, it became desirable and necessary to drain, grade, level, curb with concrete and pave with asphalt block, upon a concrete foundation, the roadway on Main Street, in said Town of Seaforth, from the northerly limit of Goderich street to the Grand Trunk Railway tracks, and the council thereupon gave due notice of its intention to proceed with the said work pursuant to the provisions of the Statutes in that behalf.

And whereas it was ascertained and determined under and pursuant to the provisions of By-law No. 5 for 1906, of the said Town

of Seaforth, for that purpose duly passed, and in accordance with the provisions of the Statutes in that behalf, that although duly notified the majority of the owners of the real property fronting or abutting on both sides of the portion of Main street hereinbefore particularly described and representing half of the value thereof did not petition the said council against said work or improvement.

And whereas it has been ascertained and determined that the real property, including street intersections and junctions, fronting or abutting on both sides of the portion of Main street hereinbefore particularly described, is the real property immediately benefited by the construction of the said work or improvement.

And whereas it has been determined to assess and levy the cost of the said work or improvement as follows: Sixty (60) per cent. of such cost, exclusive of that part of said cost chargeable in respect of the street intersections and junctions and opposite the real property of the municipality to be payable in twenty (20) equal consecutive annual instalments, without interest, and to be raised by a special frontage tax upon the property fronting or abutting on both sides of said part of Main street hereinbefore particularly described, and the remaining forty (40) per cent. thereof as well as the cost chargeable in respect of the street intersections and junctions and opposite the real property of the municipality and interest on the whole of the debentures authorized by this by-law to be assumed and paid by the municipality out of its general fund.

And whereas the said council under and pursuant to the provisions of By-law No. 6 for 1906, of the said Town of Seaforth, has proceeded with and completed the said work or improvement and the total cost thereof is \$26,500.00, which is the debt to be created by this by-law, of which amount the cost chargeable in respect of the street intersections and junctions and opposite the real property of the municipality, is \$5,393.50.

And whereas in the schedule hereunto marked "A" appear the names of the respective owners of the real property immediately benefited by the said work or improvement, the frontage measurements of said property, the portion of the cost of said work properly assessed thereupon, all as settled by the Court of Revision, and the amount to be paid by the municipality as aforesaid.

And whereas the value of real property immediately benefited by said work and liable to be specially assessed therefor as aforesaid, according to the last revised assessment roll, is \$146,550.00 and the amount of the whole rateable property of the said municipality, according to the last revised assessment roll, is the sum of \$670,463.00.

And whereas the amount of the existing debenture debt of the said municipality is the sum of \$67,816.70, exclusive of local improvement debts secured by special Acts, rates or assessments, and no part of either principal or interest is in arrear.

And whereas the said sum of \$26,500.00 has been borrowed by way of temporary loan from the Dominion Bank and the whole costs of said work or improvement has been paid for.

And whereas the probable life of the said work or improvement is twenty (20) years.

And whereas the total amount required by *The Consolidated Municipal Act, 1903*, to be raised annually by special rate for paying the said debt and interest as hereafter provided is \$2,214.92.

Therefore the Municipal Council of the Corporation of the Town of Seaforth enacts as follows:—

1. That all proceedings hereinbefore referred to are hereby ratified, confirmed and declared to be valid.

2. That for the purposes aforesaid and for no other, it shall be lawful for the said corporation to borrow on the credit of the said municipality the said sum of \$26,500.00, and for the purpose of raising the said sum to issue debentures of the said corporation in

sums

sums of not less than \$100.00 each, bearing interest at five (5) per cent. per annum, said debentures to be issued within one year from the passing of this by-law and each payable in twenty years from the date of issue of same and to have coupons attached thereto for the payment of interest at the rate aforesaid.

3. Each of said debentures and coupons shall be signed by the Mayor of the said Town of Seaforth or by some other person authorized by by-law to sign the same and by the Treasurer of said municipality and the Town Clerk is hereby authorized to affix the Corporate Seal thereto and the same shall be dated on the day of the issue thereof and shall be payable at the Dominion Bank in said Town of Seaforth.

4. That for the purpose of paying the said debentures and the interest thereon as the same become due respectively during twenty years, the currency of the debentures to be issued under this by-law the sum of \$2,214.92 shall be raised annually, as follows: \$633.09 shall be raised annually for the payment of that part of the debt assessed upon the real estate immediately benefited by the work aforesaid and for that purpose the special rates per foot frontage set forth in the schedule hereunto annexed marked "A" which is hereby declared to form part of this by-law, are hereby imposed on the real property in said schedule specifically set forth according to the frontages thereof over and above all other rates and taxes and shall be annually inserted in the collector's roll of the said municipality and shall be payable to and collected by him in the same manner as other rates on his said roll, and the further sum of \$1,581.83 shall be raised annually for said twenty years for the payment of that part of the said debt to be paid by the said municipality and all interest on said debentures, which said sum of \$1,581.83 shall be levied and raised annually by a special rate sufficient therefor over and above all other rates on all rateable property of the said municipality at the same time and in the same manner as all other rates.

5. That payment of the debt to be created on the security of the special rates settled and imposed by this by-law be and the same is hereby guaranteed by the municipality at large.

6. This by-law shall take effect on the date of the final passing thereof.

Done and passed in open council this 9th day of January, A.D. 1907.

JNO. A. WILSON,
Clerk.

M. BRODERICK,
Mayor.
[Corporate Seal].

Schedule "A," showing the lands and names of owners thereof liable and proposed to be specially assessed for construction of an asphalt block pavement on Main street from the north side of Goderich street to the Grand Trunk Railway tracks. The total actual cost of the work is \$26,500.00, of which \$13,838.20 is to be provided out of the general funds of the municipality; property owners' share, \$12,661.80, payable in twenty equal annual instalments, payable at the time for payment of municipal taxes. First instalment due and payable in 1907.

| Owner's Name. | Lot or part of Lot. | Feet frontage. | Feet from curb to centre of street. | Annual rate per foot frontage. | Total cost. | Municipalities' share. | Property owners' share. | Annual rate for twenty consecutive years. | Remarks. |
|-------------------------------|---------------------|---------------------------------|-------------------------------------|--------------------------------|-------------|------------------------|-------------------------|---|----------|
| West side Main Street: | | | | | | | | | |
| James Weir | 11 | 50 | 28 ft. | c. 25.2 | 420 00 | \$ 168 00 | \$ 252 00 | 12 60 | |
| Carmichael Estate..... | 11 | 42 ⁷ / ₂ | " | " | 357 70 | 143 10 | 214 60 | 10 73 | |
| Fred Beattie | 11 | 20 ⁴ / ₂ | " | " | 170 80 | 68 20 | 102 60 | 5 13 | |
| Geo. Beattie..... | 11 | 20 ¹ / ₂ | " | " | 170 80 | 68 20 | 102 60 | 5 13 | |
| W. L. Talbot..... | 11 | 21 ² / ₂ | " | " | 177 80 | 71 20 | 106 60 | 5 33 | |
| Wm. Buck Estate..... | 23 Js. Sy. | 34 ¹ / ₂ | " | " | 287 70 | 115 10 | 172 60 | 8 63 | |
| John Beattie | " | 20 | " | " | 168 00 | 67 20 | 100 80 | 5 04 | |
| Mrs. McConnell..... | 24 Js. Sy. | 56 ⁵ / ₂ | " | " | 473 90 | 189 50 | 284 40 | 14 22 | |
| East side Main Street: | | | | | | | | | |
| F. Holmsted | 11 G. Sy. | 44 | " | " | 369 60 | 147 80 | 221 80 | 11 09 | |
| A. S. Chisholm..... | 10 " | 44 | " | " | 369 60 | 147 80 | 221 80 | 11 09 | |
| M. Williams | 10 " | 33 ² / ₂ | " | " | 278 70 | 111 50 | 167 20 | 8 36 | |
| Mrs. Farncombe | 9 " | 19 | " | " | 159 60 | 63 80 | 95 80 | 4 79 | |
| McLean Bros..... | 8-9 " | 20 ⁴ / ₂ | " | " | 170 80 | 68 40 | 102 40 | 5 12 | |
| A. G. Ault..... | 8-9 " | 20 ¹ / ₂ | " | " | 173 60 | 69 40 | 104 20 | 5 21 | |
| Wm. Campbell..... | 7-8 " | 74 | " | " | 621 60 | 248 60 | 373 00 | 18 65 | |
| West side Main Street: | | | | | | | | | |
| Peter Dill..... | 32 Js. Sy. | 32 | 23 ¹ / ₂ ft. | 20.925 | 223 20 | 89 20 | 134 00 | 6 70 | |
| Mrs. R. E. Cooper..... | 32 " | 27 ⁷ / ₂ | " | " | 192 60 | 77 00 | 115 60 | 5 78 | |
| Cardno Bros..... | 33-34 " | 117 ¹ / ₂ | " | " | 819 00 | 327 60 | 491 40 | 24 57 | |
| Edward McFaul..... | 35 " | 23 ¹ / ₂ | " | " | 164 70 | 65 90 | 98 80 | 4 94 | |
| J. S. Roberts Estate..... | 35 " | 17 ⁹ / ₂ | " | " | 123 90 | 49 50 | 74 40 | 3 72 | |
| Alex. Winter | 35 " | 19 ¹ / ₂ | " | " | 134 40 | 53 80 | 80 60 | 4 03 | |
| C. W. Papst..... | 36 " | 21 | " | " | 146 40 | 58 60 | 87 80 | 4 39 | |
| Mrs. D. Johnson..... | 36 " | 45 ³ / ₂ | " | " | 315 60 | 126 20 | 189 40 | 9 47 | |
| Scott Bros..... | 37 " | 48 | " | " | 334 80 | 134 00 | 200 80 | 10 04 | |
| Marie Kidd..... | 38 " | 63 | " | " | 439 50 | 175 70 | 263 80 | 13 19 | |
| H. J. Bailey..... | 39 " | 59 | " | " | 411 60 | 164 60 | 247 00 | 12 35 | |
| Mrs. Jas. Gillespie..... | 40 " | 27 | " | " | 188 40 | 75 40 | 113 00 | 5 65 | |
| East side Main Street: | | | | | | | | | |
| Alex. Davidson..... | 20-21 G. Sy. | 120 ¹ / ₂ | " | " | 841 20 | 336 40 | 504 80 | 25 24 | |
| Mrs. A. Strong | 17-18 " | 60 | " | " | 418 50 | 167 30 | 251 20 | 12 56 | |
| I. O. F. J. C. Thompson, Sec. | 17 " | 30 | " | " | 209 25 | 83 65 | 125 60 | 6 28 | |
| Dominion Bank | 16 " | 31 ⁶ / ₂ | " | " | 219 60 | 87 80 | 131 80 | 6 59 | |
| W. T. Box..... | 16 " | 30 | " | " | 209 25 | 83 65 | 125 60 | 6 28 | |

| Owner's Name. | Lot or part of Lot. | Feet frontage. | Feet from curb to centre of street. | Annual rate per foot frontage. | Total cost. | Municipalities' share. | Property owners' share. | Annual rate for twenty consecutive years. | Remarks. |
|--------------------------------|---------------------|----------------------------------|-------------------------------------|--------------------------------|-------------|------------------------|-------------------------|---|----------|
| Rankin & Winter..... | 15 G.Sy. | 56 ⁵ / ₁₂ | 23 ¹ / ₄ | c. 20.925 ft. | \$ 393 60 | \$ 157 40 | \$ 236 20 | \$ 11 81 | |
| Canadian Bank of Commerce..... | 14 " | 60 ³ / ₁₂ | " | " | 420 30 | 168 10 | 252 20 | 12 61 | |
| Broadfoot & Box Co..... | 13 " | 36 ¹⁵ / ₁₂ | " | " | 254 10 | 101 70 | 152 40 | 7 62 | |
| Mrs. R. E. Cooper..... | 13 " | 25 | " | " | 174 30 | 69 70 | 104 60 | 5 23 | |
| James Graves..... | 12 " | 30 | " | " | 209 40 | 83 80 | 125 60 | 6 28 | |
| Thos. Daly..... | 12 " | 30 | " | " | 209 40 | 83 80 | 125 60 | 6 28 | |
| F. Holmsted..... | 11 " | 16 ⁵ / ₁₂ | " | " | 114 60 | 45 80 | 68 80 | 3 44 | |
| West side Main Street: | | | | | | | | | |
| S. Dickson..... | 40-41 Js.Sy | 88 ⁷ / ₁₂ | 22 ¹⁰ / ₁₂ | 20.522 | 603 90 | 241 50 | 362 40 | 18 12 | |
| Thos. Simpson..... | 42 " | 57 | 22 ¹ / ₄ | 20.465 | 389 10 | 155 70 | 233 40 | 11 67 | |
| Wm. Kirlake..... | 43-44 " | 83 ⁷ / ₁₂ | " | " | 570 60 | 228 20 | 342 40 | 17 12 | |
| East side Main Street: | | | | | | | | | |
| Morrow Bros..... | 24 G.Sy. | 61 | " | " | 416 40 | 166 60 | 249 80 | 12 49 | |
| James Beattie..... | 23 " | 60 | " | " | 409 50 | 163 70 | 245 80 | 12 29 | |
| Kruse Bros..... | 22 " | 60 ⁶ / ₁₂ | " | " | 412 80 | 165 20 | 247 60 | 12 38 | |
| W. H. Willis Shoe Co..... | 30 " | 62 ⁶ / ₁₂ | 22 ¹ / ₂ | 20.25 | 421 80 | 168 80 | 253 00 | 12 65 | |
| R. Clark..... | 29 " | 60 | " | " | 405 00 | 162 00 | 243 00 | 12 15 | |
| James Neville..... | 28 " | 60 | " | " | 405 00 | 162 00 | 243 00 | 12 15 | |
| James Stewart..... | 26-27 " | 89 | " | " | 600 90 | 240 30 | 360 60 | 18 03 | |
| G. H. Dick..... | 25-26 " | 88 ⁶ / ₁₂ | " | " | 597 30 | 238 90 | 358 40 | 17 92 | |
| West side Main Street: | | | | | | | | | |
| Jas. Dick..... | 44 Js.Sy. | 28 | " | " | 189 00 | 75 60 | 113 40 | 5 67 | |
| Alex. Stewart..... | 45 " | 58 | " | " | 391 50 | 156 50 | 235 00 | 11 75 | |
| James Dick..... | 46-47 " | 115 ⁴ / ₁₂ | " | " | 778 50 | 311 30 | 467 20 | 23 36 | |
| Margaret McGinnis..... | 48-49 " | 135 ⁷ / ₁₂ | " | " | 915 30 | 366 10 | 549 20 | 27 46 | |
| Grand Trunk Railway..... | | 193 ¹ / ₁₂ | 22 | 19.8 | 1,278 30 | 511 30 | 767 00 | 38 35 | |
| East side Main Street: | | | | | | | | | |
| Mrs. Lynch..... | 31-32 G.Sy. | 118 | " | " | 778 80 | 311 60 | 467 20 | 23 36 | |
| Street intersections &c..... | | | | | 5,398 50 | 5,398 50 | | | |
| | | | | | \$26,500 00 | \$13,838 20 | \$12,661 80 | \$633 09 | |

| | |
|-------------------|--------------------|
| Interest..... | \$ 1,325 00 |
| Sinking Fund..... | 889 92 |
| | <u>\$ 2,214 92</u> |

| | |
|-----------------------------|--------------------|
| Property owners' share..... | 633 09 |
| Municipalities' share..... | 1,581 83 |
| | <u>\$ 2,214 92</u> |

Jno. A. Wilson,
Clerk of the Town of Seaforth.

Dated at Seaforth this 5th day of November, A.D., 1906.

CHAPTER 91.

An Act respecting the Municipality of Shuniah.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Municipality of Shuniah has by petition represented that it is advisable to legalize, confirm and ratify all tax sales of the said municipality; and has prayed that an Act may be passed for the said purpose, and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

39, V., c. 37, s. 2,
repealed.

1. Section 2 of the Act passed in the 39th year of Her late Majesty's reign, Chaptered 37, is hereby repealed.

Tax sales prior
to 31st Dec.,
1904, confirmed

2.—(1) All sales of land within the Municipality of Shuniah, made prior to the 31st day of December, 1904, and which purport to be made by the corporation of the said municipality for arrears of taxes in respect to lands so sold, are hereby validated and confirmed, and all deeds of lands so sold, executed by the reeve and treasurer of the said municipality, purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold and conveyed or purported to be sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns, in fee simple free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns, and of all charges and encumbrances thereon, except taxes accrued since those for non-payment whereof the said lands were sold.

(2) This section shall extend and apply to cases where the municipality, or any one in trust for it or on its behalf, became the purchaser of the lands.

Pending
litigation not
affected.

3. Nothing in this Act contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

CHAPTER

CHAPTER 92.

An Act to confirm By-Law No. 20, 1906, of the Township of Sombra, in the County of Lambton, and By-law No. 530 of the Township of Chatham and North Gore, in the County of Kent.

Assented to 20th April, 1907.

WHEREAS the Corporation of the Township of Som- Preamble.
 bra has by its petition, set out that by-law No. 20, 1906, set out as Schedule "A" hereto, was finally passed on the 15th day of December, A.D. 1906; that a large tract of land lying within the said Township, and the Township of Chatham and North Gore is subject to great flooding at certain seasons of the year and might be made more valuable by a feasible drainage scheme to assist the working of the Whitebread Drain, which would empty surface water into a good and sufficient outlet in the Schniel Ecarte; that several actions were brought by ratepayers owning land adjacent to the Whitebread Drain on account of damage from flooding, and the Drainage Referee on the trial thereof suggested that some scheme or arrangement for a more effective outlet for the Whitebread Drain should be devised; that the Township of Sombra and the Township of Chatham and North Gore agreed to complete a drainage scheme to relieve the Whitebread Drain, and co-jointly sent on F. W. Flater, Esquire, Civil Engineer and Provincial Land Surveyor, as a competent person to report on a scheme to be adopted by both townships; that on the 28th day of February, 1906, the report, plans, profiles, specifications, assessments and estimates as made by the said F. W. Flater were filed with the Clerk of the Township of Sombra; that the said report was duly served by the Township of Sombra on the Township of Chatham and North Gore as required by *The Municipal Drainage Act*; that the Township of Chatham and North Gore appealed from the said report to the Drainage Referee, who gave judgment reducing the assessment of the Township of Chatham and North Gore by \$276, and increasing the as-
 38 s. assessment

assessment of the Township of Sombra by the same amount; that no appeal had been made from the said judgment and the time for appeal has expired; that the said Township of Sombra did, on the 6th day of October, 1906, bring in a by-law providing for the said work pursuant to the said report, and published said by-law and gave due notice as directed by *The Municipal Drainage Act*, that a Court of Revision for Appeals was held on the 12th day of November, 1906, to revise the said assessments made by the said engineer when all such assessments were properly adjusted; that no appeals have been made from the said Court of Revision and no motion or other proceeding has been made or taken against the said by-law; that the said Township of Chatham and North Gore has provisionally adopted By-law Numbered 530, set out as Schedule "B" hereto, in aid of the said drainage work, and will after the assessments thereunder have been adjusted and revised, finally pass the said by-law; that a very large majority, numbering nearly all of the actual owners of lands within said drainage area in the said Townships, are now in favour of the said drainage works and desire that the said by-laws be confirmed, and that the said work be proceeded with; and whereas it appears that the said drainage work is in the interests of the said owners of land and of the public generally, and that a grant to the amount of \$4,000 has been made by this Province for the purpose of assisting the said work; and whereas the said Corporations have, by their petitions, prayed that an Act be passed to confirm and equalize the said by-laws; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 20
of Township
of Sombra
confirmed.

1. By-law Number 20, 1906, of the Municipal Corporation of the Township of Sombra, set forth in Schedule "A" to this Act, and all debentures to be issued thereunder, and all rates and assessments to be levied for the payment of the said debentures are hereby ratified and confirmed and declared legal, valid and binding upon the said Corporation of the Township of Sombra and the ratepayers thereof, and the said Corporation of the Township of Sombra is hereby authorized and empowered to issue the said debentures and to levy and collect the several yearly special rates and assessments from the various lots and parts of lots and roads as set out in the said by-law and to do all acts and things necessary for the full and proper carrying out of the said by-law and for the issue and sale of the debentures thereunder.

2. By-law Number 530 of the Municipal Corporation of the Township of Chatham and North Gore, set forth in Schedule "B" to this Act and all debentures to be issued thereunder and all rates and assessments to be levied (as the same may be adjusted and finally revised) for the payment of the said debentures, are hereby ratified and confirmed and declared legal, valid and binding upon the said Corporation of the Township of Chatham and North Gore and the ratepayers thereof; and the Corporation of the Township of Chatham and North Gore is hereby authorized and empowered to issue debentures as provided by said by-law, and to levy and collect the said rates and assessments from the various lots, parts of lots and roads as set out in the said by-law, and to do all things necessary for the full and proper carrying out of the said by-law and for the issue and sale of debentures thereunder.

By-law No. 530
of Township
of Chatham
and North Gore
confirmed.

3. The work provided for by the said by-laws shall be held and is hereby declared to have been properly undertaken by the said Township of Sombra under section 75 and other sections of *The Municipal Drainage Act*.

Work declared
to comply with
the provisions
of Rev. Stat.,
c. 226.

4. Nothing in this Act contained shall affect any action, litigation or other proceeding pending on the 1st day of March, 1907, but the same may be proceeded with and finally adjudicated upon in the same manner as if this Act had not been passed.

Pending
litigation not
affected.

SCHEDULE "A."

BY-LAW No. 20, 1906.

A by-law to provide for drainage work in the Township of Sombra, in the County of Lambton and in the Township of Chatham and North Gore in the County of Kent and for borrowing on the credit of the municipality of the Township of Sombra the sum of \$9,318.55, the proportion to be contributed by the said municipality of the Township of Sombra for completing the same.

Provisionally adopted the 6th day of October, A.D. 1906.

Whereas complaints have been made to the municipal council of the Township of Sombra that the Whitebread drain (being a drain constructed by local assessment under the provisions of the law in that behalf and situated on the townline between the Township of Sombra and the Gore of the Township of Chatham) is out of repair and it has been represented that in order to prevent damage to any lands or roads, it is expedient to make a new outlet for part of the said drainage work and to otherwise improve, extend and alter the same.

And, whereas, thereupon the said council of the Township of Sombra has procured an examination to be made by F. W. Flater, being a person competent for such purposes of the said Whitebread drain and of the lands and roads liable for assessment therefor, or which should be liable under *The Municipal Drainage Act* and has also procured plans, specifications and estimates of the drainage work to be made by the said F. W. Flater and an assessment to be made by him of the lands and roads to be benefited by such drainage work and of other lands and roads liable for contribution thereto, stating as nearly as he can the proportion of benefit, outlet liability and injuring liability which in his opinion will be derived or incurred in consequence of such drainage work by every road and lot or portion of lot, the said assessment so made upon lands and roads in the Township of Sombra being the assessment hereinafter by this by-law shown in columns 2, 3, 4, 5, 6 and 7 of the schedule of assessment herein and the report of the said F. W. Flater in respect thereof and of the said drainage work, being as follows:

PETROLEA, 28th February, 1906.

To the Reeve and Municipal Council of the Township of Sombra:

Gentlemen,—Having been appointed by your honorable body to examine and report on the condition of the Whitebread drain, and to devise some scheme or work to carry off to a sufficient outlet, or cut-off, water draining south through the Township of Sombra and finding its way into the Whitebread drain, I beg to report that I have made such examination.

The Whitebread drain extends along the north side of the town line between the Township of Sombra and the Gore of Chatham from the Chenal Ecarte to the river Sydenham, in front of lots B, A, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, in the 5th concession of Sombra, and was designed in its construction to have a level bottom and to discharge partly to the west to the Chenal Ecarte and partly to the east to the river Sydenham.

The

The land along the Whitebread drain from about lot 2 to about lot 10 is of a very low level, while the land along the Whitebread drain both to the west and to the east of this central tract is comparatively high, thus necessitating deep cutting towards both the west and east ends of the drain.

A large area of the Township of Sombra naturally drained south through the low-lying central tract above mentioned and found its outlet over the low marsh land in the Gore of Chatham, and the construction of the Whitebread drain with the embankment placed along the south side of said drain intercepted, cut off and relieved of said flow to the south water which is now conducted through the said Whitebread drain.

Owing to the low level of the lands in the central tract above mentioned, and on account of the abrupt turn which the water has to make on reaching the Whitebread drain, and for the reason of the inadequate capacity of said drain, the lands adjacent to and north of said Whitebread drain are flooded in times of freshet.

In order to relieve the Whitebread drain, and to prevent damage to lands adjacent thereto, I would recommend that the Tap drain be made intersecting the Whitebread drain at Grape Run, near the west side of lot 4, and extending south and south-westerly to the south-east angle of the north half of lot 3 in the 4th concession of the Gore of Chatham, thence west along the north side of the line between the north and south halves of lots 4, 3, 2 and 1 in said 4th concession, thence westerly and south-westerly through lots A and B in the 4th concession to the Chenal Ecarte, making a total distance for proposed Tap drain of 702 rods.

I would recommend that the proposed Tap drain be made so as to accord to the specifications hereto annexed and to the date given upon the profile entitled, "Profile of Tap Drain for the Whitebread Drain" accompanying this, my report.

To confine the water, and to protect from overflow the low lying lands adjacent to said Tap drain, it is designed that a continuous embankment be placed along each side of the drain from the Whitebread drain to the Erie and Huron railway on lot 2 in the 4th concession.

From the Erie and Huron Railway west to the Chenal Ecarte, suitable openings for the ingress of water from the adjacent lands are to be left through the embankment on the north side of the drain at the points indicated in the specifications hereto annexed.

In order to afford drainage for the lands in the 4th concession of the Gore of Chatham lying west and north of proposed Tap drain and north-east of the Erie and Huron Railway, I would recommend that a concrete tunnel be constructed under the proposed Tap drain at a point near the south-west corner of the north half of lot 4 in the 4th concession. The said tunnel to be made so as to accord to the plans and specifications hereto annexed.

It will be necessary to provide a bridge over the proposed Tap drain at the Chatham and Sombra town line, also a bridge over said drain at the side road between lots A and 1 (base line) and also a bridge over said drain at the River Road.

I would recommend that those bridges be made so as to accord to the plans and specifications hereto annexed.

The proposed Tap drain will require to be constructed across the lands of the Erie and Huron branch of the Pere Marquette Railway, and it will be necessary to provide a bridge for said railway over said drain. I would recommend that the Whitebread drain be enlarged from Grape Run for a distance of 396 rods to the

Griffith

Griffith drain at lot 7 in the 5th concession of Sombra, and that the drain be made so as to accord to the specifications hereto annexed and to the data given upon the profile entitled "Profile of the Whitebread drain" accompanying this, my report.

I find that the river Sydenham is in times of freshet subject to considerable rise in its level, and, to protect the low-lying lands along the Whitebread drain from the high water of the said river, I would recommend that the highway bridge at the side road between lots 10 and 11 be removed, and that a dam be placed in the Whitebread drain at this point of sufficient width and height to make a good roadway.

The lands draining to the Buckingham drain and to the Whitebread drain east of the 10 and 11 side road are of a comparatively high level, and this part of the Whitebread drain with the removal of some bars, will make a good and sufficient outlet for the Buckingham and other drains entering the Whitebread drain east of proposed dam.

In accordance with the specifications hereto annexed, I would recommend that all bars and obstructions be removed from the Whitebread drain from the 10 and 11 side road east to the river Sydenham, and from said side road west to the Griffith drain, and from Grape Run west to the Pacific drain.

To prevent damage to lands adjacent to Grape Run and to the Whitebread drain, I would recommend that said Grape Run drain be straightened and enlarged from the Whitebread drain north for a distance of 139 rods to a point 4 rods north of the line between the north and south halves of lot 4 in the 5th concession of Sombra, and that the drain be made so as to accord to the specifications hereto annexed and to the data given upon the profile entitled "Profile of Grape Run Drain" accompanying this, my report.

The location of the proposed work on the Grape Run drain, the Whitebread drain and the Tap drain for the Whitebread drain, is shown in red upon the accompanying plan, which plan also shows the lands and roads which I have assessed therefor.

The proposed work is very necessary and will benefit lands and roads which I have assessed thereof, and will carry off water which is caused to flow from lands and roads which I have assessed therefor.

My estimate of the cost of the proposed work is as follows:—

| | |
|---|------------|
| For work in the Gore of Chatham:—For excavating and disposal of earth from Stn. O. to Stn. 116, 3 rods of Tap drain a distance of 688 rods, containing 95,300 cubic yards at 10c. per cubic yard..... | \$9,530 00 |
| For concrete tunnel under Tap drain, including catch basin, and work of diverting Award ditch to tunnel | 475 00 |
| For highway bridges: | |
| For bridge at river road | \$330 00 |
| For bridge at base line..... | 390 00 |
| | <hr/> |
| | \$620 00 |
| For bridge for Erie and Huron Railway | 1,500 00 |
| | Allowance |

| | | |
|---|--|--------------|
| Allowance for private drain incorporated in the drainage work to be paid to the respective owners entitled thereto:—For drain on north 50 ac. of S. 120 ac. of lots A and B, con. 4 (parcel "d" shown on plan) Chatham Gore | | 80 00 |
| For drain on N. 39 ac. of S. 159 ac. of lots A and B, con. 4 (parcel "d" shown on plan), Chatham Gore | | 80 00 |
| | | <hr/> 160 00 |
| | | \$12,285 00 |

| | | |
|--|--|-------------------|
| Allowance for damages to lands and crops by the disposal of earth to be paid to the respective persons entitled thereto:—On N. 50 ac. of S. 120 ac. of lots A and B, Con. 4 (parcel "e" shown on plan), Chatham Gore | | 160 00 |
| On N. 59 ac. of S. 159 ac. of lots A and B, con 4 (parcel "a" shown on plan), Chatham Gore | | 400 00 |
| On part lying S. of E. & H. Railway of N. ½ lot 1, con. 4, Chatham Gore | | 235 00 |
| On N. ½ S. ½ lot 1, con. 4, Chatham Gore... | | 100 00 |
| On W. ½ N. ½ lot 2, con. 4, Chatham Gore... | | 50 00 |
| On S. ½ N. ½ lot 2, con. 4, Chatham Gore... | | 150 00 |
| On S. ½ lot 2, con. 4, Chatham Gore | | 100 00 |
| On W. ½ N. ½ lot 3, con. 4, Chatham Gore... | | 100 00 |
| On E. ½ N. ½ lot 3, con. 4, Chatham Gore... | | 100 00 |
| On S. ½ lot 3, con. 4, Chatham Gore..... | | 100 00 |
| On W. ½ N. ½ lot 4, con. 4, Chatham Gore... | | 575 00 |
| On W. ½ S. ½ lot 4, con. 4, Chatham Gore... | | 3 00 |
| | | <hr/> 2,073 00 |
| For removing and rebuilding fences..... | | 90 00 |
| Cost of proposed work in Chatham Gore..... | | <hr/> \$14,448 00 |

For work on the town line between the Township of Sombra and Gore of Chatham:—
For excavation and disposal of earth from Stn. 127 to Stn. 193 of Whitebread drain, a distance of 396 rods, and from Stn. 116, 3 rods to Stn. 117 of Tap drain a distance of 3 rods, containing in all 24,400 cubic yards at 10c. per cubic yard

2,440 00

For spreading and levelling earth from Stn. 127 to Stn. 193 of Whitebread drain, a distance of 396 rods, and from Stn. 116, 3 rods to Stn. 117 of Tap drain, a distance of 3 rods

150 00

For removing bars from Whitebread drain, and for removing bridge and making dam in Whitebread drain at 10 and 11 side road

250 00

For highway bridges:

For bridge over Tap drain at Chatham and Sombra town line

250 00

For

| | | |
|---|--------|--------------------|
| For bridge over Whitebread drain at 5 and 6 side road | 200 00 | 450 00 |
| For bridges between highway and private lands: | | |
| For bridge for S. 23 $\frac{4}{7}$ ac. of W. 57 $\frac{1}{7}$ ac. of E. 114 $\frac{2}{7}$ ac. of lot 4, con. 5, Sombra | 200 00 | |
| For bridges for S. $\frac{1}{2}$ lot 5, con. 5, Sombra... | 200 00 | 400 00 |
| Allowance for damages to lands and crops by the disposal of earth, to be paid to the respective persons entitled thereto: | | |
| On W. $\frac{1}{2}$ N. $\frac{1}{2}$ lot 4, con. 4, Chatham Gore... | 18 00 | |
| On E. $\frac{1}{2}$ N. $\frac{1}{2}$ lot 4, con. 4, Chatham Gore... | 30 00 | |
| On W. $\frac{1}{2}$ N. $\frac{1}{2}$ lot 5, con. 4, Chatham Gore... | 30 00 | |
| On E. $\frac{1}{2}$ N. $\frac{1}{2}$ lot 5, con. 4, Chatham Gore... | 30 00 | |
| On W. $\frac{1}{2}$ N. $\frac{1}{2}$ lot 6, con. 4, Chatham Gore... | 30 00 | |
| On E. $\frac{1}{2}$ N. $\frac{1}{2}$ lot 6, con. 4, Chatham Gore... | 30 00 | |
| On W. $\frac{1}{2}$ N. $\frac{1}{2}$ lot 7, con. 4, Chatham Gore... | 22 00 | 190 00 |
| For removing and rebuilding fences from Stn. 127 to Stn. 193 of Whitebread drain, a distance of 396 rods | | 100 00 |
| Cost of proposed work on Chatham and Sombra town line | | 3,980 00 |
| For work in the Township of Sombra:— | | |
| For excavation and disposal of earth from Stn. 117 to Stn. 141 of Grape run drain, a distance of 139 rods, containing 11,300 cubic yards at 10c. per cubic yard..... | | 1,130 00 |
| Allowance for farm bridge for S. 284/7 ac. of E. 571/7 ac. of W. 85 5/7 ac. of lot 4, con. 5, Sombra, to be paid to the owner entitled thereto | | 200 00 |
| Allowance for damage to lands and crops by the disposal of earth, to be paid to the respective persons entitled thereto:—On S. 28 4/7 ac. of E. 571/7 ac. of W. 85 5/7 of lot 4, con. 5, Sombra | 140 00 | |
| On W. 284/7 ac. of lot 4, con. 5, Sombra..... | 10 00 | 150 00 |
| Cost of proposed work in the Township of Sombra | | \$1,480 00 |
| Cost of proposed work on the town line between the Township of Sombra and Gore of Chatham | | 3,980 00 |
| Cost of proposed work in the Gore of Chatham | | 14,443 00 |
| | | <u>\$19,908 00</u> |
| Add for— | | |
| Surveys, plans, profiles, estimates, specifications, report, etc. | 390 00 | |
| Assistance in survey, etc..... | 34 88 | |
| Superintending work, etc. | 354 12 | |

| | | |
|---|-------------|----------------|
| Publishing and registering by-law for the Township of Sombra | 80 00 | |
| Publishing and registering by-law for the Township of Chatham | 80 00 | |
| Clerk's fees for Sombra Township | 100 00 | |
| Clerk's fees for Chatham Township | 100 00 | |
| | | <hr/> 1,139 00 |
| Making a total of | \$21,047 00 | |

This sum I assess as in the annexed schedule against the lands and roads which will be benefited by the proposed work, and against the lands and roads from which water is caused to flow which will enter the proposed work.

The proposed work (except the bridge for the Erie and Huron branch of the Pere Marquette Railway) to be maintained at the expense of the lands and roads assessed therêfor (except the lands of the Pere Marquette Railway Company), and in the same relative proportion as for the work herein reported on.

The bridge for the Erie and Huron branch of the Pere Marquette Railway to be maintained at the expense of the Pere Marquette Railway Company.

I have the honor to be,
Gentlemen,

Your obedient servant,

"F. W. FLATER,"

O.L.S. and C.E.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|--------------------------|-------------|----------------------------------|-------------------|-------------------|----------------------------|------------------|---|--|------------------------------|---------------------|--|
| Name. | Concession. | Lot or part of lot. | Acres. | Value of benefit. | Value of outlet liability. | Value of injury. | Total assessment under Engineer's report. | Net total assessment after additions and reductions as hereinbefore set out being 85% of total assmt. under Engineer's report. | Interest for 15 years at 5%. | Total special rate. | Annual amount during each year for 15 years. |
| John Jennings..... | 5 | W $\frac{1}{2}$ 2..... | 100 | ..... | ..... | 20 00 | 20 00 | 17 00 | 7 60 | 24 60 | 1 64 |
| Peter Stenton..... | 5 | E $\frac{1}{2}$ 2..... | 100 | ..... | ..... | 40 00 | 40 00 | 34 00 | 15 20 | 49 20 | 3 28 |
| Jas. Wadsworth..... | 5 | W $57\frac{1}{2}$ ac. 3..... | 57 $\frac{1}{2}$ | 10 00 | ..... | 50 00 | 60 00 | 51 00 | 22 65 | 73 65 | 4 91 |
| Robert Payne..... | 5 | E $114\frac{1}{2}$ ac. of..... | 114 $\frac{1}{2}$ | 50 00 | ..... | 136 00 | 186 00 | 158 10 | 70 35 | 228 45 | 15 23 |
| | | W $171\frac{1}{2}$ ac. of 3..... | | | | | | | | | |
| Jas. and Wm. Murphy..... | 5 | E $28\frac{1}{2}$ ac. 3..... | 28 $\frac{1}{2}$ | 50 00 | ..... | 35 00 | 85 00 | 72 25 | 32 15 | 104 40 | 6 96 |
| Jas. and Wm. Murphy..... | 5 | W $28\frac{1}{2}$ ac. 4..... | 28 $\frac{1}{2}$ | 100 00 | ..... | 36 00 | 136 00 | 115 60 | 51 50 | 167 10 | 11 14 |
| Jas. and Wm. Murphy..... | 5 | S $28\frac{1}{2}$ ac. of..... | 28 $\frac{1}{2}$ | 150 00 | ..... | 38 00 | 188 00 | 159 80 | 71 20 | 231 00 | 15 40 |
| | | E $57\frac{1}{2}$ ac. of..... | | | | | | | | | |
| Joseph Jarvis..... | 5 | W $85\frac{1}{2}$ ac. 4..... | 28 $\frac{1}{2}$ | 50 00 | ..... | 39 00 | 89 00 | 76 65 | 33 70 | 109 35 | 7 29 |
| | | N $28\frac{1}{2}$ ac. of..... | | | | | | | | | |
| | | E $57\frac{1}{2}$ ac. of..... | | | | | | | | | |
| Wallace Micks..... | 5 | W $85\frac{1}{2}$ ac. 4..... | 28 $\frac{1}{2}$ | 100 00 | ..... | 36 00 | 136 00 | 115 60 | 51 50 | 167 10 | 11 14 |
| | | S. $28\frac{1}{2}$ act. of..... | | | | | | | | | |
| Thos. R. Bootham..... | 5 | W $57\frac{1}{2}$ ac. of..... | 28 $\frac{1}{2}$ | 10 00 | ..... | 37 00 | 47 00 | 39 95 | 17 80 | 57 75 | 3 85 |
| | | E $114\frac{1}{2}$ ac. 4..... | | | | | | | | | |
| | | N $28\frac{1}{2}$ ac. of..... | | | | | | | | | |
| | | W $57\frac{1}{2}$ ac. of..... | | | | | | | | | |
| J. Alex. Benoit..... | 5 | E $114\frac{1}{2}$ ac. 4..... | 57 $\frac{1}{2}$ | 80 00 | ..... | 76 00 | 156 00 | 132 60 | 58 95 | 191 55 | 12 77 |
| Andrew Sheller..... | 5 | E $57\frac{1}{2}$ ac. of 4..... | 100 | 250 00 | ..... | 138 00 | 388 00 | 329 80 | 146 90 | 476 70 | 31 78 |
| | | S $\frac{1}{2}$ 5..... | | | | | | | | | |

| | | | | | | | | | | |
|--------------------------------|---|--|-----|--------|--------|--------|--------|--------|--------|-------|
| John Murray..... | 5 | W $\frac{1}{2}$ N $\frac{1}{2}$ 5..... | 25 | ..... | 34 00 | 34 00 | 28 90 | 12 95 | 41 85 | 2 79 |
| Alex. Benoit..... | 5 | E $\frac{1}{2}$ W $\frac{1}{2}$ 5..... | 25 | ..... | 34 00 | 34 00 | 28 90 | 12 95 | 41 85 | 2 79 |
| Alex. Benoit..... | 5 | W $\frac{1}{2}$ E $\frac{1}{2}$ N $\frac{1}{2}$ 5..... | 25 | ..... | 35 00 | 35 00 | 29 75 | 13 45 | 43 20 | 2 88 |
| Fred Murray..... | 5 | E $\frac{1}{2}$ N $\frac{1}{2}$ 5..... | 25 | ..... | 35 00 | 35 00 | 29 75 | 13 45 | 43 20 | 2 88 |
| Wm. F. Murray..... | 5 | S $\frac{1}{2}$ 6..... | 100 | 200 00 | 142 00 | 342 00 | 290 70 | 129 45 | 420 15 | 28 01 |
| Wm. Hurley..... | 5 | N $\frac{1}{2}$ 6..... | 100 | ..... | 140 00 | 140 00 | 119 00 | 52 90 | 171 90 | 11 46 |
| Wm. Trotter..... | 5 | S $\frac{1}{2}$ 7..... | 100 | 150 00 | 144 00 | 294 00 | 249 90 | 111 30 | 361 30 | 24 08 |
| Wm. Reid..... | 5 | N $\frac{1}{2}$ 7..... | 100 | ..... | 144 00 | 144 00 | 122 40 | 54 45 | 176 85 | 11 79 |
| Wm. Trotter..... | 5 | S $\frac{1}{2}$ 8..... | 100 | 100 00 | 144 00 | 244 00 | 207 40 | 92 30 | 299 20 | 19 98 |
| Wm. Patterson..... | 5 | N $\frac{1}{2}$ 8..... | 100 | ..... | 144 00 | 144 00 | 122 40 | 54 45 | 176 85 | 11 29 |
| Wm. Trotter..... | 5 | S 50 ac. of..... | 50 | 25 00 | 72 00 | 97 00 | 82 00 | 36 65 | 119 10 | 7 94 |
| C. and Jas. Kimsia..... | 5 | W 80 ac. 9..... | 39 | ..... | 43 00 | 43 00 | 36 55 | 16 25 | 52 80 | 3 52 |
| J. Remilard..... | 5 | W 80 ac. 9..... | 60 | 10 00 | 86 00 | 96 00 | 81 60 | 36 30 | 117 90 | 7 86 |
| W. Wallace..... | 5 | E 120 ac. 9..... | 30 | ..... | 43 00 | 43 00 | 36 55 | 16 25 | 52 80 | 3 52 |
| Jas. and Catharine Kimsia..... | 5 | W 30 ac. of..... | 30 | ..... | 43 00 | 43 00 | 36 55 | 16 25 | 52 80 | 3 52 |
| Jno. and Rich Johnston..... | 5 | E 30 ac. of..... | 30 | ..... | 43 00 | 43 00 | 36 55 | 16 25 | 52 80 | 3 52 |
| Mary Crimian..... | 5 | E 120 ac. 9..... | 100 | ..... | 144 00 | 144 00 | 122 40 | 54 45 | 176 85 | 11 79 |
| Thos. F. Downs..... | 5 | S $\frac{1}{2}$ 10..... | 100 | ..... | 144 00 | 144 00 | 122 40 | 54 45 | 176 00 | 11 79 |
| Rich Cain..... | 6 | E $\frac{1}{2}$ S $\frac{1}{2}$ 2..... | 50 | ..... | 34 00 | 34 00 | 28 90 | 12 80 | 41 70 | 2 78 |
| Jas. and Albert Wadsworth..... | 6 | N $\frac{1}{2}$ 3..... | 100 | ..... | 68 00 | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| Michael and David Downs..... | 6 | S $\frac{1}{2}$ 3..... | 100 | ..... | 136 00 | 136 00 | 115 60 | 51 50 | 167 10 | 11 14 |
| J. S. Higgins..... | 6 | W $\frac{1}{2}$ N $\frac{1}{2}$ 36..... | 50 | ..... | 68 00 | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| Dan Hurley..... | 6 | E $\frac{1}{2}$ N $\frac{1}{2}$ 3..... | 50 | ..... | 68 00 | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| David Flannigan..... | 6 | S $\frac{1}{2}$ 4..... | 100 | ..... | 136 00 | 136 00 | 115 60 | 51 50 | 167 10 | 11 14 |
| John Nolan..... | 6 | N $\frac{1}{2}$ 4..... | 100 | ..... | 136 00 | 136 00 | 115 60 | 51 50 | 167 10 | 11 14 |
| John Nolan..... | 6 | S $\frac{1}{2}$ 5..... | 100 | ..... | 138 00 | 138 00 | 117 30 | 52 20 | 169 50 | 11 30 |
| J. B. Deslaurier..... | 6 | W $\frac{1}{2}$ N $\frac{1}{2}$ 5..... | 50 | ..... | 68 00 | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| Fred Murray..... | 6 | E $\frac{1}{2}$ N $\frac{1}{2}$ 5..... | 50 | ..... | 70 00 | 70 00 | 59 50 | 36 30 | 85 80 | 5 72 |
| | 6 | W $\frac{1}{2}$ S $\frac{1}{2}$ 6..... | 50 | ..... | 70 00 | 70 00 | 59 50 | 26 30 | 85 80 | 5 72 |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|-------------------------------------|---|-----------------------------------|-----|-------|-------|--------|--------|--------|-------|--------|-------|
| John Nolan..... | 6 | E $\frac{1}{2}$ S $\frac{1}{2}$ 6 | 50 | ..... | ..... | 70 00 | 70 00 | 59 50 | 26 30 | 85 80 | 5 72 |
| Isabella Beggs..... | 6 | N $\frac{1}{2}$ 6 | 100 | ..... | ..... | 140 00 | 140 00 | 119 00 | 52 90 | 171 90 | 11 46 |
| Wm. Kerwin..... | 6 | S $\frac{1}{2}$ 7 | 100 | ..... | ..... | 142 00 | 142 00 | 120 20 | 53 75 | 174 45 | 11 63 |
| Hubert Johnston..... | 6 | N $\frac{1}{2}$ 7 | 100 | ..... | ..... | 142 00 | 142 00 | 120 00 | 53 75 | 174 45 | 11 63 |
| Stephen Griffith..... | 6 | S $\frac{1}{2}$ 8 | 100 | ..... | ..... | 144 00 | 144 00 | 122 40 | 54 45 | 176 85 | 11 79 |
| Hubert Johnson..... | 6 | W $\frac{1}{2}$ N $\frac{1}{2}$ 8 | 25 | ..... | ..... | 36 00 | 36 00 | 30 60 | 13 65 | 44 25 | 2 95 |
| John Johnston..... | 6 | E $\frac{1}{2}$ N $\frac{1}{2}$ 8 | 75 | ..... | ..... | 108 00 | 108 00 | 91 80 | 40 80 | 132 60 | 8 84 |
| James Johnston..... | 6 | W $\frac{1}{2}$ S $\frac{1}{2}$ 9 | 50 | ..... | ..... | 72 00 | 72 00 | 61 20 | 27 30 | 88 50 | 5 90 |
| Geo. Clear..... | 6 | E $\frac{1}{2}$ S $\frac{1}{2}$ 9 | 50 | ..... | ..... | 72 00 | 72 00 | 61 20 | 27 30 | 88 50 | 5 90 |
| Robt. Johnston..... | 7 | S $\frac{1}{2}$ 2 | 100 | ..... | ..... | 144 00 | 144 00 | 122 40 | 54 45 | 176 85 | 11 79 |
| Alfred Meyers..... | 7 | W $\frac{1}{2}$ N $\frac{1}{2}$ 2 | 75 | ..... | ..... | 68 00 | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| Albeno O'Leary..... | 7 | E $\frac{1}{2}$ N $\frac{1}{2}$ 2 | 25 | ..... | ..... | 34 00 | 34 00 | 28 90 | 12 85 | 41 85 | 2 79 |
| H. R. McPhail..... | 7 | S $\frac{1}{2}$ N $\frac{1}{2}$ 3 | 75 | ..... | ..... | 34 00 | 34 00 | 28 90 | 12 95 | 125 25 | 2 79 |
| Joseph Cain..... | 7 | N $\frac{1}{2}$ W $\frac{1}{2}$ 3 | 25 | ..... | ..... | 102 00 | 102 00 | 86 70 | 38 95 | 41 85 | 8 35 |
| H. R. McPhail..... | 7 | E $\frac{1}{2}$ S $\frac{1}{2}$ 3 | 50 | ..... | ..... | 68 00 | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| Mary and Thos. Higgins..... | 7 | E $\frac{1}{2}$ S $\frac{1}{2}$ 3 | 50 | ..... | ..... | 68 00 | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| do..... | 7 | S E 50 of S $\frac{1}{2}$ 4 | 50 | ..... | ..... | 68 00 | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| M. J. Shepherd..... | 7 | N $\frac{1}{2}$ 4 | 100 | ..... | ..... | 136 00 | 136 00 | 115 60 | 51 65 | 167 25 | 11 15 |
| James and Thos. F. Downs..... | 7 | W $\frac{1}{2}$ S $\frac{1}{2}$ 5 | 50 | ..... | ..... | 68 00 | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| Jno. Arthur and John J. Garvey..... | 7 | E $\frac{1}{2}$ S $\frac{1}{2}$ 5 | 50 | ..... | ..... | 70 00 | 70 00 | 59 50 | 26 30 | 85 80 | 5 72 |
| D. M. Cruikshank..... | 7 | W $\frac{1}{2}$ N $\frac{1}{2}$ 5 | 50 | ..... | ..... | 68 00 | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| do..... | 7 | E $\frac{1}{2}$ S $\frac{1}{2}$ 5 | 50 | ..... | ..... | 70 00 | 70 00 | 59 50 | 26 30 | 85 80 | 5 72 |
| Hugh McIntyre..... | 7 | W $\frac{1}{2}$ N $\frac{1}{2}$ 5 | 50 | ..... | ..... | 68 00 | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| Thomas Conlan..... | 7 | E $\frac{1}{2}$ S $\frac{1}{2}$ 5 | 50 | ..... | ..... | 70 00 | 70 00 | 59 50 | 26 30 | 85 80 | 5 72 |
| Louis Reynold..... | 7 | S $\frac{1}{2}$ 6 | 100 | ..... | ..... | 140 00 | 140 00 | 119 00 | 52 90 | 171 90 | 11 46 |
| David Dawson..... | 7 | N $\frac{1}{2}$ 6 | 100 | ..... | ..... | 140 00 | 140 00 | 119 00 | 52 90 | 171 90 | 11 46 |
| John Ceady..... | 7 | S $\frac{1}{2}$ 7 | 50 | ..... | ..... | 70 00 | 70 00 | 59 60 | 26 30 | 85 80 | 5 72 |
| Jno. Thompson..... | 7 | W $\frac{1}{2}$ N $\frac{1}{2}$ 7 | 50 | ..... | ..... | 70 00 | 70 00 | 59 60 | 26 30 | 85 80 | 5 72 |
| F. Fannie Davis..... | 7 | E $\frac{1}{2}$ N $\frac{1}{2}$ 7 | 50 | ..... | ..... | 70 00 | 70 00 | 59 60 | 26 30 | 85 80 | 5 72 |
| do..... | 7 | W $\frac{1}{2}$ S $\frac{1}{2}$ 8 | 50 | ..... | ..... | 70 00 | 70 00 | 59 60 | 26 30 | 85 80 | 5 72 |

| | | | | | | | | | |
|-----------------------------|-------|---|---------------------|-------|--------|--------|-------|--------|-------|
| R. E. and Sam Marwood..... | 7 | E $\frac{1}{2}$ S $\frac{1}{2}$ 6 | 50 | ..... | 70 00 | 59 60 | 26 30 | 85 80 | 5 72 |
| Fanny Davis..... | 7 | N $\frac{1}{2}$ 8 | 100 | ..... | 140 00 | 119 00 | 52 90 | 171 70 | 11 46 |
| ..... | ..... | W $\frac{1}{2}$ S $\frac{1}{2}$ 9 | 50 | ..... | 70 00 | 59 60 | 26 30 | 85 80 | 5 72 |
| ..... | ..... | E $\frac{1}{2}$ S $\frac{1}{2}$ 9 | 50 | ..... | 70 00 | 59 60 | 26 30 | 85 80 | 5 72 |
| ..... | ..... | N $\frac{1}{2}$ 9 | 100 | ..... | 35 00 | 29 75 | 13 45 | 43 20 | 2 88 |
| James Daley..... | 7 | S $\frac{1}{2}$ 10 | 100 | ..... | 70 00 | 59 50 | 26 30 | 85 80 | 5 72 |
| Jacob Belanger..... | 8 | W $\frac{1}{2}$ S $\frac{1}{2}$ 3 | 50 | ..... | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| R. H. McPhail..... | 8 | E $\frac{1}{2}$ S $\frac{1}{2}$ 3 | 50 | ..... | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| Peter Flannigan..... | 8 | W $\frac{1}{2}$ S $\frac{1}{2}$ 4 | 100 | ..... | 136 00 | 115 60 | 51 50 | 167 10 | 11 14 |
| Jas. D. McNulty..... | 8 | N $\frac{1}{2}$ 3 | 50 | ..... | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| Peter Flannigan..... | 8 | E $\frac{1}{2}$ S $\frac{1}{2}$ 4 | 50 | ..... | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| Allen Knight..... | 8 | W $\frac{1}{2}$ S $\frac{1}{2}$ 4 | 100 | ..... | 136 00 | 115 60 | 51 50 | 167 10 | 11 14 |
| L. Murray..... | 8 | N $\frac{1}{2}$ 4 | 50 | ..... | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| J. & A. McLellan..... | 8 | W $\frac{1}{2}$ S $\frac{1}{2}$ 5 | 50 | ..... | 70 00 | 59 50 | 26 30 | 85 80 | 5 72 |
| Wm. McLellan..... | 8 | E $\frac{1}{2}$ S $\frac{1}{2}$ 5 | 100 | ..... | 70 00 | 59 50 | 26 30 | 85 80 | 5 72 |
| Wm. J. Brown..... | 8 | N $\frac{1}{2}$ 5 | 100 | ..... | 47 00 | 39 95 | 17 80 | 57 75 | 3 85 |
| Jno. St. Pierre..... | 8 | W $\frac{1}{2}$ S $\frac{1}{2}$ 6 | 66.23 $\frac{3}{4}$ | ..... | 23 00 | 19 55 | 8 65 | 28 20 | 1 88 |
| D. M. Cruikshank..... | 8 | E $\frac{1}{2}$ S $\frac{1}{2}$ 6 | 33 $\frac{3}{4}$ | ..... | 35 00 | 29 75 | 13 45 | 43 20 | 2 88 |
| Jno. J. Thompson..... | 8 | W $\frac{1}{2}$ S $\frac{1}{2}$ 7 | 50 | ..... | 35 00 | 29 75 | 13 45 | 43 20 | 2 88 |
| Jas. Secklesteel..... | 8 | E $\frac{1}{2}$ S $\frac{1}{2}$ 7 | 50 | ..... | 10 00 | 8 50 | 3 80 | 12 30 | 82 |
| Henry Winter..... | 8 | S $\frac{1}{2}$ 8 | 100 | ..... | 15 00 | 97 75 | 43 70 | 141 45 | 9 43 |
| Samuel Devon..... | 9 | S $\frac{1}{2}$ 3 | 100 | ..... | 15 00 | 97 75 | 43 70 | 141 45 | 9 43 |
| John Workman..... | 9 | N $\frac{1}{2}$ 3 | 100 | ..... | 36 00 | 115 60 | 51 50 | 167 10 | 11 14 |
| Edward Thomas..... | 9 | S $\frac{1}{2}$ 4 | 100 | ..... | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| Hugh Devon..... | 9 | W $\frac{1}{2}$ N $\frac{1}{2}$ 4 | 50 | ..... | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| Wm. Meyers..... | 9 | E $\frac{1}{2}$ N $\frac{1}{2}$ 4 | 50 | ..... | 34 00 | 28 90 | 12 80 | 41 70 | 2 78 |
| Jno. W. Brown..... | 9 | S $\frac{1}{2}$ 5 | 100 | ..... | 34 00 | 28 90 | 12 80 | 41 70 | 2 78 |
| Jno. Workman..... | 9 | W $\frac{1}{2}$ N $\frac{1}{2}$ 5 | 25 | ..... | 102 00 | 86 70 | 38 55 | 125 25 | 8 35 |
| Jno. Workman..... | 10 | S $\frac{1}{2}$ 3 | 100 | ..... | 102 00 | 86 70 | 38 55 | 125 25 | 8 35 |
| Walter Meyers..... | 10 | N $\frac{1}{2}$ 3 | 100 | ..... | 136 00 | 115 60 | 51 50 | 167 10 | 11 14 |
| Henry Thomas..... | 10 | S $\frac{1}{2}$ 4 | 100 | ..... | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| Lyman, Henry..... | 10 | W $\frac{1}{2}$ N $\frac{1}{2}$ 4 | 50 | ..... | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| Jno. Grooms..... | 10 | E $\frac{1}{2}$ N $\frac{1}{2}$ 4 | 50 | ..... | 34 00 | 28 90 | 12 95 | 41 85 | 2 79 |
| Jno. Grooms..... | 10 | W $\frac{1}{2}$ N $\frac{1}{2}$ 5 | 25 | ..... | 34 00 | 28 90 | 12 95 | 41 85 | 2 79 |
| E. J. Nelson Carpenter..... | 10 | E $\frac{1}{2}$ W $\frac{1}{2}$ N $\frac{1}{2}$ & W $\frac{1}{2}$ E $\frac{1}{2}$ N $\frac{1}{2}$ 5 | 50 | ..... | 34 00 | 28 90 | 12 95 | 41 85 | 2 79 |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---------------------------------------|-------|--|-------|-------|-------|--------|----------|----------|----------|-----------|--------|
| Jno. Grooms..... | 10 | E $\frac{1}{2}$ S $\frac{1}{2}$ 3 | 50 | ..... | ..... | 34 00 | 34 00 | 28 90 | 12 95 | 41 85 | 2 79 |
| Albert Cundich..... | 11 | W $\frac{1}{4}$ N $\frac{1}{4}$ 3 | 25 | ..... | ..... | 17 00 | 17 00 | 14 45 | 6 40 | 20 85 | 1 39 |
| Robert Gornly..... | 11 | W 60 acs. of E $\frac{3}{4}$ N $\frac{1}{2}$ 3 | 60 | ..... | ..... | 41 00 | 41 00 | 54 85 | 15 55 | 50 40 | 3 36 |
| Henry and Mary Grant..... | 11 | E 15 acs. N. $\frac{1}{2}$ 3 | 15 | ..... | ..... | 11 00 | 11 00 | 9 35 | 4 15 | 13 50 | 3 90 |
| Rory Henry..... | 11 | S $\frac{1}{4}$ 4 | 100 | ..... | ..... | 68 00 | 68 00 | 57 80 | 25 75 | 83 55 | 5 57 |
| James Gillow..... | 11 | W $\frac{1}{2}$ N $\frac{1}{2}$ 4 | 50 | ..... | ..... | 34 00 | 34 00 | 28 90 | 12 95 | 41 85 | 2 79 |
| Thos. Broad..... | 11 | E $\frac{3}{4}$ N $\frac{1}{2}$ 4 | 50 | ..... | ..... | 34 00 | 34 00 | 28 90 | 12 95 | 41 85 | 2 79 |
| Lyman Henry..... | 11 | W $\frac{1}{2}$ S $\frac{1}{2}$ 5 | 25 | ..... | ..... | 17 00 | 17 00 | 14 45 | 6 40 | 20 85 | 1 39 |
| Moses Doan } Jos. Henry } | 11 | E $\frac{3}{4}$ S $\frac{1}{2}$ 5 | 75 | ..... | ..... | 11 00 | 11 00 | 9 35 | 4 30 | 13 65 | 91 |
| Totals..... | ..... | ..... | ..... | ..... | ..... | ..... | 9,973 00 | 8,477 05 | 3,773 45 | 12,280 50 | 816 70 |
| One half Sombra and Chatham Town Line | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Road between Con. 5 and 6..... | ..... | ..... | ..... | ..... | ..... | 50 00 | 425 00 | 361 25 | 160 75 | 522 00 | 34 80 |
| Road " " 6 and 7..... | ..... | ..... | ..... | ..... | ..... | 110 00 | 110 00 | 93 50 | 41 50 | 135 00 | 9 00 |
| Road " " 7 and 8..... | ..... | ..... | ..... | ..... | ..... | 120 00 | 120 00 | 102 00 | 46 45 | 147 45 | 9 83 |
| Road " " 8 and 9..... | ..... | ..... | ..... | ..... | ..... | 80 00 | 80 00 | 68 00 | 30 25 | 98 25 | 6 55 |
| Road " " 9 and 10..... | ..... | ..... | ..... | ..... | ..... | 35 00 | 35 00 | 29 75 | 13 30 | 43 05 | 2 87 |
| Road " " 10 and 11..... | ..... | ..... | ..... | ..... | ..... | 35 00 | 35 00 | 29 75 | 13 30 | 43 05 | 2 87 |
| Side Road between Lots 5 and 6..... | ..... | ..... | ..... | ..... | ..... | 25 00 | 25 00 | 21 25 | 9 50 | 30 75 | 2 05 |
| Totals..... | ..... | ..... | ..... | ..... | ..... | 110 00 | 160 00 | 136 00 | 60 50 | 196 50 | 13 10 |
| And | ..... | ..... | ..... | ..... | ..... | ..... | 990 00 | 841 50 | 374 55 | 1,216 05 | 81 07 |

And whereas the said council are of the opinion that the drainage work recommended in the said report is desirable;

And whereas the Township of Chatham and North Gore appealed against the amount of the assessment so made by the said Engineer on the lands and roads in the Township of Chatham and North Gore, and by the judgment of the learned Drainage Referee in such appeal, the total assessment of the said Township of Chatham and North Gore was reduced by the sum of \$263.00, and the said sum of \$263.00 was by the said judgment added to the assessment against the lands and roads in the Township of Sombra;

And whereas the costs of the Township of Sombra on said appeal was \$226.05;

And whereas the Legislature of the Province of Ontario has voted the sum of \$4,000.00 in aid of the said drainage work whereby the assessment on lands and roads in the Township of Sombra will be reduced \$2,133.57, being the Township of Sombra's proportionate share of said \$4,000;

And whereas the said additions and reductions being made pro rata on the assessment of lands and roads and lots in the Township of Sombra as originally made by the said Engineer in his report give a net reduction of 15 per cent. off the amount originally assessed on lands in the Township of Sombra in said report.

Therefore the said municipal council of the Township of Sombra pursuant to the provisions of *The Municipal Drainage Act* enacts as follows:—

1. The said report, plans, specifications, assessments and estimates are hereby adopted and the drainage work as therein indicated and set forth shall be made and constructed in accordance therewith.

2. The reeve of the Township of Sombra may borrow on the credit of the Township of Sombra the sum of \$9,318.55, being the said municipality's proportion of the funds necessary for the work and may issue debentures of the corporation to that amount in sums of not less than \$50.00 each and payable within 15 years from the date thereof with interest at the rate of five per centum per annum, that is to say in fifteen equal annual instalments of \$897.77 each, in payment of both principal and interest in each year for 15 years, such debentures to be payable at the office of the Bank of Commerce at Sarnia, and be made up as follows:—

WHITEBREAD DRAIN BY-LAW DEBENTURES.

| | Principal. | Interest. | Debenture. |
|------|------------|-----------|------------|
| 1st | \$431 85 | \$465 92 | \$897 77 |
| 2nd | 453 44 | 444 33 | 897 77 |
| 3rd | 476 11 | 421 66 | 897 77 |
| 4th | 499 91 | 397 86 | 897 77 |
| 5th | 524 91 | 372 86 | 897 77 |
| 6th | 551 15 | 346 62 | 897 77 |
| 7th | 578 71 | 319 06 | 897 77 |
| 8th | 607 65 | 290 12 | 897 77 |
| 9th | 638 03 | 259 74 | 897 77 |
| 10th | 669 93 | 227 84 | 897 77 |
| 11th | 703 43 | 194 34 | 897 77 |
| 12th | 738 59 | 159 18 | 897 77 |
| 13th | 775 52 | 122 25 | 897 77 |
| 14th | 814 31 | 83 46 | 897 77 |
| 15th | 855 02 | 42 75 | 897 77 |

3. For paying the sum of \$1,124.75, being \$1,335.00 the amount charged against the said lands and roads for benefit by the said original report as shown in column "5" of the schedule forming part of this by-law, less fifteen per cent. net reduction therefrom as hereinbefore set out and the sum of \$7,332.30 being \$8,638.00 the amount charged against said lands and roads for injuring liability

liability by the said original report as shown in column "7" in the schedule forming part of this by-law less fifteen per cent. net reduction therefrom as hereinbefore set out, apart from lands and roads belonging to or controlled by the municipality and for covering interest thereon for fifteen years at the rate of five per centum per annum, the total special rates as hereinbefore shown in column "11" of the schedule of assessment herein over and above all other rates shall be assessed, levied and collected in the same manner and at the same time as other taxes are levied and collected upon and from the lots and parts of lots shown and set out in column "3" of the schedule of assessment herein and upon and from roads in the Township of Sombra described in said schedule of assessment, and the amount of the said special rates and interest against each lot or part of lot respectively shall be divided into fifteen equal parts and one part shall be assessed, levied and collected as aforesaid in each year for fifteen years after the final passing of this by-law during which said debentures have to run.

4. For paying the sum of \$841.50, being \$990.00 the amount assessed against the said lands and roads of the municipality by the said original report as set out in column "8" of the schedule, forming part of this by-law, less a fifteen per cent. net reduction therefrom as hereinbefore set out and for covering interest thereon for fifteen years at the rate of five per centum per annum, a special rate on the dollar sufficient to produce the required yearly amount therefor over and above all other rates be levied and collected (in the same manner and at the same time as taxes are levied and collected) upon and from the whole rateable property in the said Township of Sombra in each year for fifteen years after the final passing of this by-law during which the said debentures have to run.

5. This by-law shall be published once in every week for four consecutive weeks in the "Wallaceburg News" newspaper, published in the town of Wallaceburg, and shall come into force upon and after the final passing thereof and may be cited as the Whitebread Drain By-law.

Finally passed Dec. 15th, 1906.

NEIL GRANT,
Reeve.
W. H. McGHILL,
Clerk.

SCHEDULE "B."

BY-LAW No. 530 OF THE TOWNSHIP OF CHATHAM.

A By-law to provide for the construction of the Whitebread Tap Drain, and for the repair and enlarging of the Whitebread Drain, in the Gore of the Township of Chatham, in the County of Kent, and for borrowing on the credit of the Municipality the sum of \$8,168.04 for completing the same.

Provisionally adopted the 9th day of February, 1907.
Finally passed the day of , 190 .

Whereas complaint has been made to the Municipal Council of the Township of Chatham claiming that the Whitebread drain, which is a drainage work originally constructed on the townline between the Township of Sombra and the Gore of Chatham, and extending westward from the north branch of the River Sydenham to the River Chenal Ecarte, is out of repair, and that the present outlet therefore is inadequate, and that in the original construction thereof natural watercourses were obstructed and a large

large embankment made on the Sombra and Chatham townline which prevents the waters of Sombra from flowing in their natural course into the Gore of Chatham, and whereas the easterly end of the Whitebread drain as originally constructed has been found inadequate to afford the relief in times of freshet that it was expected such easterly end would furnish. And whereas five actions have been brought against the Township of Sombra and the Township of Chatham for damages alleged to have been caused by the inadequacy of said Whitebread drain to carry off the waters flowing into it, and for a *mandamus* to compel those townships to provide relief to the owners of lands being injured from year to year by such waters;

And whereas the said council has procured an examination to be made by F. W. Flater, C. E, being a person competent for such purpose of the said Whitebread drain, and of the lands and roads liable for assessment under *The Municipal Drainage Act* and amendments thereto, and has also procured plans, specifications and estimates of the drainage work to be made by the said F. W. Flater, and an assessment to be made by him of the lands and roads to be benefited by such drainage work, and of other lands and roads liable for contribution thereto, stating as nearly as he can the proportion of benefit, outlet liability and injuring liability which in his opinion will be derived or incurred in consequence of such drainage work by every road and lot or portion of lot, the said assessment so made being the assessment hereinafter by this by-law enacted to be assessed and levied upon the roads and lots or parts of lots hereinafter in that behalf specially set forth and described, and the report of the said F. W. Flater in respect thereof and of the said drainage work being as follows:

PETROLIA, February 28th, 1906.

To the Reeve and Municipal Council of the Township of Sombra:

Gentlemen,—Having been appointed by your honourable body to examine and report on the condition of the Whitebread drain, and devise some scheme or work to carry off to a sufficient outlet or cut off, water draining south through the Township of Sombra, and finding its way into the Whitebread drain, I beg to report that I have made such examination.

The Whitebread drain extends along the north side of the townline between the Township of Sombra and the Gore of Chatham from the Chenal Ecarte to the River Sydenham, in front of lots B, A, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 in the fifth concession of Sombra, and was designed in its construction to have a level bottom and to discharge partly to the west to the Chenal Ecarte and partly to the east to the River Sydenham.

The land along the Whitebread drain from lot 2 to about lot 10 is of a very low level, while the land along the Whitebread drain both to the west and to the east of this central tract is comparatively high, thus necessitating deep cutting towards both the west and the east ends of the drain.

A large area of the Township of Sombra naturally drained south over the low-lying central tract above mentioned and found its outlet through the low marsh land in the Gore of Chatham, and the construction of the Whitebread drain, with the embankment placed along the south side of said drain intercepted, cut off and relieved of said flow to the south water which is now conducted through said Whitebread drain.

Owing to the low level of the lands in the central tract above mentioned, and on account of the abrupt turn which the water has to make on reaching the Whitebread drain, and for the reason of the inadequate capacity of said drain, the lands adjacent to and north of said Whitebread drain are flooded in times of freshet.

In

In order to relieve the Whitebread drain, and to prevent damage to lands adjacent thereto, I would recommend that a tap drain be made intersecting the Whitebread drain at Grape Run near the west side of lot 4 and extending south and southwesterly to the southeast angle of the north half of lot 3 in the fourth concession of the Gore of Chatham, thence west along the north side of the line between the north and south halves of lots 4, 3, 2 and 1 in the fourth concession, thence westerly and southwesterly through lots A and B in the fourth concession to the Chenal Ecarte, making a total distance for proposed tap drain of 702 rods.

I would recommend that the proposed tap drain be made so as to accord to the specifications hereto annexed and to the data given upon the profile entitled "Profile of Tap Drain for the Whitebread Drain" accompanying this, my report.

To confine the water, and to protect from overflow the low-lying lands adjacent to said tap drain, it is designed that a continuous embankment be placed along each side of the drain from Whitebread drain to the Erie & Huron Railway on lot 2 in the fourth concession.

From the Erie & Huron Railway west from the Chenal Ecarte, suitable openings for the ingress of water from the adjacent lands are to be left through the embankment on the north side of the drain at the points indicated in the specifications hereto annexed.

In order to afford drainage for the lands in the fourth concession of the Gore of Chatham lying west and north of the proposed tap drain and northeast of the Erie & Huron Railway, I recommend that a concrete tunnel be constructed under the proposed tap drain at a point near the southwest corner of the north half of lot 4 in the fourth concession. The said tunnel to be so made as to accord to the plans and specifications hereto annexed.

It will be necessary to provide a bridge over the proposed tap drain at the Chatham and Sombra townline, also a bridge over said drain at the side road between lots A and 1 (base line) and also a bridge over said drain at the River Road.

I would recommend that those bridges be made so as to accord to the plans and specifications hereto annexed.

The proposed tap drain will require to be constructed across the lands of the Erie & Huron Branch of the Pere Marquette Railway, and it will be necessary to provide a bridge for said railway over said drain. I would recommend that the Whitebread drain be enlarged from Grape Run east for a distance of 396 rods to the Griffith drain at lot 7 in the fifth concession of Sombra, and that the drain be made so as to accord to the specifications hereto annexed and to the data given upon the profile entitled "Profile of the Whitebread Drain" accompanying this my report.

I find that the River Sydenham is in times of freshet subject to considerable rise in its level, and to protect the low-lying lands along the Whitebread drain from the high water of the said river, I would recommend that the highway bridge at the side road between lots 10 and 11 be removed and that a dam be placed in the Whitebread drain at this point of sufficient width and height to make a good roadway.

The lands draining to the Buckingham drain and to the Whitebread drain east of the 10 and 11 side road are of a comparative high level and this part of the Whitebread drain with the removal of some bars, will make a good and sufficient outlet for the Buckingham and other drains entering the Whitebread drain east of the proposed dam.

In accordance with the specifications hereto annexed, I would recommend that all bars and obstructions be removed from the Whitebread drain from the 10 and 11 side road east to the River Sydenham and from the said side road west to the Griffith drain, and from Grape Run west to the Pacific drain.

To

To prevent damage to lands adjacent to Grape Run and to the Whitebread drain, I would recommend that said Grape Run drain be straightened and enlarged from the Whitebread drain north for a distance of 139 rods to a point 4 rods north of the line between the north and south halves of lot 4 in the fifth concession of Sombra, and that the drain be made so as to accord to the specifications hereto annexed and to the data given upon the profile entitled "Profile of Grape Run Drain" accompanying this, my report.

The location of the proposed work on the Grape Run drain, the Whitebread drain and the tap drain for the Whitebread drain is shown in red upon the accompanying plan, which plan also shows the lands and roads which I have assessed therefor.

The proposed work is very necessary and will benefit lands and roads which I assessed thereof, and will carry off water which is caused to flow from lands and roads which I have assessed therefor.

My estimate of the cost of the proposed work is as follows:

For Work in the Gore of Chatham:

| | |
|--|------------|
| For excavating and disposal of earth from stn. 0 to stn. 116 plus 3 rods of tap drain a distance of 699 rods, containing 95,300 cubic yards at 10c. per cubic yard | \$9,530 00 |
| For concrete tunnel under tap drain, including catch basin, and work of diverting Award ditch to tunnel | 475 00 |
| For highway bridges | |
| For bridge at River Road | \$330 00 |
| For bridge at base line | 290 00 |
| | <hr/> |
| | 620 00 |
| For bridge for Erie & Huron Railway | 1,500 00 |
| Allowance for private drain incorporated in the drainage work to be paid to the respective owners entitled thereto | |
| For drain on north 50 acres of south 120 acres of lots A and B concession 4 (parcel C shown on plan) Chatham Gore | \$80 00 |
| For drain on north 39 acres of south 159 acres of lots A and B, concession 4 (parcel D shown on plan) Chatham Gore | 80 00 |
| | <hr/> |
| | 160 00 |
| Allowance for damage to lands and crops by the disposal of earth, to be paid to the respective persons entitled thereto. | |
| On north 50 acres of south 120 acres of lots A and B, concession 4 (parcel E shown on plan) Chatham Gore | 160 00 |
| On north 39 acres of south 159 acres of lots A and B, concession 4 (parcel D shown on plan) Chatham Gore | 400 00 |
| On part lying south of E. & H. Railway of north half lot 1, concession 4, Chatham Gore | 235 00 |
| On north half south half lot 1, concession 4, Chatham Gore | 100 00 |
| On west quarter north half lot 2, concession 4, Chatham Gore | 50 00 |
| On south three-quarters north half lot 2, concession 4, Chatham Gore | 150 00 |
| On south half lot 2, concession 4, Chatham Gore | 100 00 |
| On west half north half lot 3, concession 4, Chatham Gore | 100 00 |
| On east half north half lot 3, concession 4, Chatham Gore | 100 00 |
| On south half lot 3, concession 4, Chatham Gore | 100 00 |

On

| | | |
|---|-------------|-----------|
| On west half north half lot 4, concession 4, Chatham Gore | 575 00 | |
| On west half south half lot 4, concession 4, Chatham Gore | 3 00 | |
| | | 2,073 00 |
| For removing and rebuilding fences | | 90 00 |
| Cost of proposed work in Chatham Gore | \$14,448 00 | |
| For work on the town line between the Township of Sombra and Gore of Chatham. | | |
| For excavation and disposal of earth: | | |
| From stn 127 to stn 193 of Whitebread drain, a distance of 396 rods, and from stn. 116 plus 3 rods to stn. 117 of tap drain, distance of 3 rods, containing in all 24,400 cubic yards at 10c. per cubic yard | 2,450 00 | |
| For spreading and levelling earth from stn. 127 to stn. 193 of Whitebread drain, a distance of 396 rods, and from stn. 116 plus 3 rods to stn. 117 of tap drain, a distance of 3 rods | 150 00 | |
| For removing bars from Whitebread drain, and for re- moving bridge and making dam in Whitebread drain at 10 and 11 side road | 250 00 | |
| For highway bridges. | | |
| For bridges over tap drain at Chatham and Sombra town line | 250 00 | 450 00 |
| For bridge over Whitebread drain at 5 and 6 side road | 200 00 | |
| For bridge between highway and private lands. | | |
| For bridge for south 28 4-7 acres of west 57 1-7 acres of east 114 2-7 acres of lot 4, concession 5, Sombra | 200 00 | |
| For bridge for south half lot 5, concession 5, Sombra | 200 00 | 400 00 |
| Allowance for damages to lands and crops by the disposal of earth, to be paid to the re- spective persons entitled thereto. | | |
| On west half north half lot 4, concession 4, Chatham Gore | 18 00 | |
| On east half north half lot 4, concession 4, Chatham Gore | 30 00 | |
| On west half north half lot 5, concession 4, Chatham Gore | 30 00 | |
| On east half north half lot 5, concession 4, Chatham Gore | 30 00 | |
| On west half north half lot 6, concession 4, Chatham Gore | 30 00 | |
| On east half north half lot 6, concession 4, Chatham Gore | 30 00 | |
| On west half north half lot 7, concession 4, Chatham Gore | 22 00 | 190 00 |
| For removing and rebuilding fences from stn 127 to stn 193 of Whitebread drain, a distance of 396 rods ... | 100 00 | |
| Cost of proposed work on Chatham and Sombra town line | 3,980 00 | |
| For work in the Township of Sombra: | | |
| For excavation and disposal of earth: | | |
| From stn. 117 to stn. 141 of Grape Run drain, a distance of 139 rods, containing 11,300 cubic yards at 10c. per cubic yard | 1,130 00 | |
| Allowance for farm bridge for south 28 4-7 acres of east 57 1-7 acres of west 85 5-7 acres of lot 4, con- cession 5, Sombra, to be paid to the owner entitled thereto | 200 00 | |
| | | Allowance |

| | |
|---|-------------|
| Allowance to damage to lands and crops by the disposal of earth, to be paid to the respective persons entitled thereto. | |
| On south 28 4-7 acres of east 57 1-7 acres of west 85 5-7 of lot 4, concession 5, Sombra | 140 00 |
| On west 28 4-7 acres of lot 4, concession 5, Sombra | 10 00 |
| | <hr/> |
| | 150 00 |
| Cost of proposed work in the Township of Sombra | 1,480 00 |
| Cost of the proposed work on the town line between the Township of Sombra and Gore of Chatham | 3,980 00 |
| Cost of proposed work in the Gore of Chatham | 14,448 00 |
| | <hr/> |
| | 19,908 00 |
| Add for survey, plans, profiles, estimates, specifications, report, etc. | 390 00 |
| Assistance in survey, etc. | 34 88 |
| Superintending work, etc. | 354 12 |
| Publishing and registering by-law for the Township of Sombra | 80 00 |
| Publishing and registering by-law for the Township of Chatham | 80 00 |
| Clerk's fees for Sombra Township | 100 00 |
| Clerk's fees for Chatham Township | 100 00 |
| | <hr/> |
| | 1,139 00 |
| Making a total of | \$21,047 00 |

This sum I assess as in the annexed schedule against the lands and roads which will be benefited by the proposed work, and against lands and roads from which water is caused to flow which will enter the proposed work.

The proposed work (except the bridge for the Erie & Huron Branch of the Pere Marquette Railway) to be maintained at the expense of the lands and roads assessed therefor (except the lands of the Pere Marquette Company) and in the same relative proportion as for the work herein reported on.

The bridge for the Erie & Huron Branch of the Pere Marquette Railway to be maintained at the expense of the Pere Marquette Railway Company.

I have the honor to be, Gentlemen,

Your obedient servant,

F. W. FLATER, O. L. S., and C. E.

And whereas the said report of F. W. Flater, C. E., together with the plans, profiles and specifications for the enlargement of the said Whitebread drain and the construction of a tap drain affording a better and an additional outlet therefor have been duly served by the Council of the Township of Sombra on the Council of the Township of Chatham, and whereas according to the said report, the estimated cost of all the work and the incidental expenses in connection therewith is the sum of \$21,047, and of this amount the sum of \$10,084 is assessed against lands and roads and railways in the Township of Chatham and North Gore, and the balance, \$10,963, is assessed against lands and roads in the Township of Sombra;

And whereas the Council of the Township of Chatham appealed against the said report and assessment contained therein against the Township of Chatham lands and roads to the Ontario Drainage Referee, and after the said appeal came on to be heard the said learned Drainage Referee in his order determined that the

sum

sum of \$263 be deducted from the assessment against the Township of Chatham lands, roads and railways, and that the said sum of \$263 be added to the assessment against lands and roads in the Township of Sombra;

And whereas the Legislature of the Province of Ontario has appropriated the sum of \$4,000 in aid of the said drainage works whereby the assessment on lands, roads and railways in the Township of Chatham and North Gore will be further reduced the sum of \$1,866.93, the said appropriation being divided by the Legislature and based upon the respective assessment of each township for said work.

And whereas the costs of the appeal to the Drainage Referee, including engineer's taking levels, making plans and of witness fees, court fees, etc., to the Township of Chatham amounts to the sum of \$213.47, leaving the total amount to be raised by the Township of Chatham and North Gore at the sum of \$8,168.04. And whereas the said reductions and additions being made *pro rata* on the assessment of lands and roads and railways in the Township of Chatham and North Gore as originally made by the said engineer in his report gives a net reduction of 19 per cent. of the amount originally assessed on lands, roads and railways in the Township of Chatham and North Gore;

And whereas the said council are of the opinion that the drainage work above described is desirable, therefore the said Municipal Council of the Township of Chatham, pursuant to the provisions of *The Municipal Drainage Act*, enacts as follows:

1st. The said report, plans, specifications, assessments and estimates are hereby adopted and the drainage work therein indicated and set forth shall be made and constructed in accordance therewith.

2nd. The Reeve of the said township may borrow on the credit of the Corporation of the said Township of Chatham the sum of eight thousand, one hundred and sixty-eight dollars and four cents, being the funds necessary for the work, and may issue debentures of the corporation to that amount in sums of not less than \$50 each, and payable within ten years from the date thereof with interest at the rate of five per centum per annum, that is to say, in ten equal annual instalments of principal and interest without coupons, such debentures to be payable at the branch of the Canadian Bank of Commerce, in the City of Chatham, in the County of Kent.

3rd. For paying the sum of \$7,467.39, the amount charged against said lands and roads and railways for benefit apart from lands or roads belonging to or controlled by the municipality and for covering interest thereon for ten years at the rate of five per centum per annum the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the time as other taxes are levied and collected) upon and from the undermentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot or part of lot respectively shall be divided into ten equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for ten years after the final passing of this by-law during which the said debentures have to run.

SCHEDULE OF ASSESSMENT on Lands and Roads in the Gore of Chatham for the construction of the Tap Drain for the Whitebread Drain, and for the repair and enlargement of the Whitebread Drain, as contained in the Engineer's Report hereinbefore set forth, and which is part thereof.

| Concession. | Lot or part lot. | Acres. | Value benefit. | As reduced pro rata being 81 per cent. of Engineers Assessment. | Owner or Tenant. |
|-------------|--|------------------------|----------------|---|------------------|
| 1..... | L. H. Sides w pt. 5..... | 10..... | \$ 15 00..... | \$12 15..... | L. H. Sides |
| ..... | B. Fisher s pt n $\frac{1}{2}$ 5..... | 10..... | 15 00..... | 12 15..... | B. Fisher |
| ..... | Joe Fisher pt n $\frac{1}{2}$ 5..... | 10..... | 15 00..... | 12 15..... | Joe Fisher |
| ..... | J. Arnold s pt n $\frac{1}{2}$ 5..... | 10..... | 15 00..... | 12 15..... | Jno. Arnold |
| ..... | G. Wickens n $\frac{1}{4}$ pt 6..... | 30..... | 45 00..... | 36 45..... | G. W. Wickens |
| ..... | H. McGee s pt nw $\frac{1}{4}$ 7..... | 10..... | 15 00..... | 12 15..... | H. McGee |
| 2..... | n $\frac{1}{2}$ n $\frac{1}{2}$ 1..... | 50..... | 45 00..... | 36 45..... | D. G. Brown |
| ..... | w $\frac{1}{2}$ n $\frac{1}{2}$ 2..... | 50..... | 30 00..... | 24 30..... | O. Bradd |
| ..... | w $\frac{1}{2}$ e $\frac{1}{2}$ n $\frac{1}{2}$ 2..... | 25..... | 18 00..... | 14 58..... | H. Pollock |
| ..... | e $\frac{1}{2}$ n $\frac{1}{2}$ 2..... | 25..... | 18 00..... | 14 58..... | Jno. Allen |
| ..... | w $\frac{1}{2}$ n $\frac{1}{2}$ except J. Murphy's 5a 3..... | 45..... | 37 50..... | 30 37..... | Jno. Allen |
| ..... | J. Murphy's 5a w $\frac{1}{2}$ n $\frac{1}{2}$ | 5..... | 7 50..... | 6 08..... | J. Murphy |
| ..... | w $\frac{1}{2}$ e $\frac{1}{2}$ n $\frac{1}{2}$ 3..... | 25..... | 27 00..... | 21 87..... | F. Benedict |
| ..... | e $\frac{1}{2}$ n $\frac{1}{2}$ 3..... | 25..... | 30 00..... | 24 30..... | Robert Shaw |
| ..... | s $\frac{1}{2}$ 4..... | 100..... | 60 00..... | 48 60..... | Tom Kilbride |
| ..... | n $\frac{1}{2}$ 4..... | 100..... | 150 00..... | 121 50..... | M. Dillon |
| ..... | w $\frac{1}{2}$ s $\frac{1}{2}$ 5..... | 25..... | 37 50..... | 30 37..... | Tom Kilbride |
| ..... | e $\frac{1}{2}$ w $\frac{1}{2}$ s $\frac{1}{2}$ 5..... | 25..... | 37 50..... | 30 37..... | Joe Fisher |
| ..... | e $\frac{1}{2}$ s $\frac{1}{2}$ 5..... | 50..... | 75 00..... | 60 75..... | Alex. Williston |
| ..... | n $\frac{1}{2}$ 5..... | 100..... | 150 00..... | 121 50..... | P. McCarron |
| ..... | s $\frac{1}{2}$ 6..... | 100..... | 150 00..... | 121 50..... | J. F. Webber |
| ..... | s $\frac{1}{2}$ n $\frac{1}{2}$ 6..... | 50..... | 75 00..... | 60 75..... | Chas. McCarron |
| ..... | n $\frac{1}{2}$ n $\frac{1}{2}$ 6..... | 50..... | 75 00..... | 60 75..... | J. S. Fraser |
| ..... | w $\frac{1}{2}$ s $\frac{1}{2}$ 7..... | 50..... | 75 00..... | 60 75..... | Robt. Harper |
| ..... | e $\frac{1}{2}$ s $\frac{1}{2}$ 7..... | 50..... | 45 00..... | 36 45..... | Albert Harper |
| ..... | n $\frac{1}{2}$ except E & H Ry 7..... | 98..... | 147 00..... | 119 07..... | Alonzo O'Leary |
| ..... | n $\frac{1}{2}$ except E & H Ry 8..... | 97..... | 135 00..... | 109 35..... | |
| ..... | n $\frac{1}{2}$ 9..... | 100..... | 120 00..... | 97 20..... | |
| ..... | s $\frac{1}{2}$ n $\frac{1}{2}$ 10..... | 50..... | 30 00..... | 24 30..... | |
| ..... | n $\frac{1}{2}$ n $\frac{1}{2}$ 10..... | 50..... | 75 00..... | 60 75..... | |
| ..... | pt n creek of n $\frac{1}{2}$ 11..... | 50..... | 45 00..... | 36 45..... | |
| 3..... | n $\frac{1}{2}$ n $\frac{1}{2}$ 1..... | 50..... | 75 00..... | 60 75..... | D. Best |
| ..... | s $\frac{1}{2}$ n $\frac{1}{2}$ 1..... | 50..... | 75 00..... | 60 75..... | C. Kilbride |
| ..... | n 2a of s $\frac{1}{2}$ 1..... | 2 $\frac{1}{2}$ | 3 75..... | 3 04..... | " |
| ..... | s 20a n 22a s $\frac{1}{2}$ 1..... | 20..... | 30 00..... | 24 30..... | " |
| ..... | n 16a w 44a s 77a 1..... | 16 $\frac{1}{2}$ | 24 75..... | 20 05..... | " |
| ..... | s 9a n 25 $\frac{1}{2}$ w 44a s 77a 1..... | 9..... | 13 50..... | 10 93..... | W. H. Brown |
| ..... | s 19a w 44a s 77a 1..... | 19..... | 28 50..... | 23 08..... | Mrs. McDonald |
| ..... | e 33a s 77a..... | 33..... | 49 50..... | 40 10..... | W. H. Brown |
| ..... | w 2-5 s $\frac{1}{2}$ 2..... | 40..... | 60 00..... | 48 60..... | P. Bishop |
| ..... | e 39a w 79a s $\frac{1}{2}$ 2..... | 39..... | 58 50..... | 47 39..... | A. McKibben |
| ..... | e 21a s $\frac{1}{2}$ 2..... | 21..... | 31 50..... | 25 52..... | Mrs. Brown |
| ..... | w $\frac{1}{2}$ n $\frac{1}{2}$ 2..... | 50..... | 75 00..... | 60 75..... | Frank Henratty |
| ..... | e $\frac{1}{2}$ n $\frac{1}{2}$ 2..... | 50..... | 75 00..... | 60 75..... | A. Johnston |
| ..... | s $\frac{1}{2}$ 3..... | 100..... | 150 00..... | 121 50..... | Minton Estate |
| ..... | n $\frac{1}{2}$ 3..... | 100..... | 150 00..... | 121 50..... | " |
| ..... | s $\frac{1}{2}$ 4..... | 100..... | 150 00..... | 121 50..... | M. Dillon |
| ..... | n $\frac{1}{2}$ except E & H Ry 4..... | 97..... | 145 00..... | 117 86..... | J. Clancy |
| ..... | s $\frac{1}{2}$ " E & H Ry 5..... | 99..... | 148 50..... | 120 28..... | " |
| ..... | n $\frac{1}{2}$ " E & H Ry 5..... | 97..... | 145 50..... | 117 86..... | " |
| ..... | s $\frac{1}{2}$ " E & H Ry 6..... | 96..... | 144 00..... | 116 64..... | J. S. Fraser |
| ..... | n $\frac{1}{2}$ 6..... | 100..... | 150 00..... | 121 50..... | " |
| ..... | s $\frac{1}{2}$ except E & H Ry 7..... | 99..... | 148 50..... | 120 28..... | Brooke Estate |
| ..... | n $\frac{1}{2}$ 7..... | 100..... | 150 00..... | 121 50..... | " |

Concession.

| Concession. | Lot or part lot. | Acres. | Value benefit. | As reduced pro rata being 81 per cent. of Engineer's Assessment. | Owner or Tenant. |
|---|------------------|--------|----------------|--|-------------------|
| s $\frac{1}{2}$ 8. | | 100 | 150 00 | 121 50 | M. O'Neil |
| n $\frac{1}{2}$ 8. | | 100 | 150 00 | 121 50 | " |
| s $\frac{1}{2}$ 9. | | 100 | 150 00 | 121 50 | Isaac Skinner |
| n $\frac{1}{2}$ 9. | | 100 | 150 00 | 121 50 | " |
| s $\frac{1}{2}$ s $\frac{1}{2}$ 10. | | 50 | 75 00 | 60 75 | Edward Shaw |
| s $\frac{1}{2}$ n $\frac{1}{2}$ s $\frac{1}{2}$ 10. | | 25 | 37 50 | 30 37 | Wm. & H. McDonald |
| n $\frac{1}{2}$ s $\frac{1}{2}$ 10. | | 25 | 37 50 | 30 37 | John Skinner |
| n $\frac{1}{2}$ 10. | | 100 | 150 00 | 121 50 | " |
| 4. s $\frac{1}{2}$ s $\frac{1}{2}$ 1. | | 50 | 75 00 | 60 75 | D. Best |
| n $\frac{1}{2}$ s $\frac{1}{2}$ 1. | | 50 | 75 00 | 60 75 | D. G. Brown |
| pts w E & H Ry n $\frac{1}{2}$ 1. | | 64 | 15 00 | 12 15 | Wm. Murphy |
| pt ne of E & H Ry n $\frac{1}{2}$ 1. | | 31 | 30 00 | 24 30 | W. E. Evans |
| s $\frac{1}{2}$ except E & H Ry s $\frac{1}{2}$ 2. | | 99 | 148 50 | 120 28 | A. B. Young |
| w $\frac{1}{2}$ n $\frac{1}{2}$ 2. | | 25 | 37 50 | 30 37 | Wm. Turner |
| e $\frac{1}{2}$ n $\frac{1}{2}$ 2. | | 75 | 112 50 | 91 13 | Wm. Cedre |
| s $\frac{1}{2}$ except E & H Ry 3. | | 97 | 145 50 | 117 86 | A. B. Young |
| w $\frac{1}{2}$ n $\frac{1}{2}$ 3. | | 50 | 75 00 | 60 75 | M. Carroll |
| e $\frac{1}{2}$ n $\frac{1}{2}$ 3. | | 50 | 75 00 | 60 75 | Stephen O'Leary |
| w $\frac{1}{2}$ s $\frac{1}{2}$ 4. | | 50 | 75 00 | 60 75 | Fred. Druer |
| e $\frac{1}{2}$ s $\frac{1}{2}$ 4. | | 50 | 75 00 | 60 75 | Fred. Druer |
| w $\frac{1}{2}$ n $\frac{1}{2}$ 4. | | 50 | 75 00 | 60 75 | W. Micks |
| e $\frac{1}{2}$ n $\frac{1}{2}$ 4. | | 50 | 75 00 | 60 75 | Holland Short |
| w $\frac{1}{2}$ s $\frac{1}{2}$ 5. | | 50 | 75 00 | 60 75 | Moses Ebare |
| w $\frac{1}{2}$ n $\frac{1}{2}$ 5. | | 50 | 75 00 | 60 75 | Moses Ebare |
| e $\frac{1}{2}$ s $\frac{1}{2}$ 5. | | 50 | 75 00 | 60 75 | Jas. Johnston |
| e $\frac{1}{2}$ n $\frac{1}{2}$ 5. | | 50 | 75 00 | 60 75 | Frank Johnston |
| w $\frac{1}{2}$ s $\frac{1}{2}$ 6. | | 50 | 75 00 | 60 75 | Wm. Trotter |
| w $\frac{1}{2}$ n $\frac{1}{2}$ 6. | | 50 | 75 00 | 60 75 | " |
| e $\frac{1}{2}$ s $\frac{1}{2}$ 6. | | 50 | 75 00 | 60 75 | " |
| e $\frac{1}{2}$ n $\frac{1}{2}$ 6. | | 50 | 75 00 | 60 75 | " |
| w $\frac{1}{2}$ s $\frac{1}{2}$ 7. | | 50 | 75 00 | 60 75 | T. F. Peers |
| e $\frac{1}{2}$ s $\frac{1}{2}$ 7. | | 50 | 75 00 | 60 75 | Wm. Trotter |
| n $\frac{1}{2}$ 7. | | 10 | 150 00 | 121 50 | " |
| s $\frac{1}{2}$ 8. | | 100 | 150 00 | 121 50 | " |
| n $\frac{1}{2}$ 8. | | 100 | 150 00 | 121 50 | " |
| w $\frac{1}{2}$ s $\frac{1}{2}$ 9. | | 50 | 75 00 | 60 75 | Henry Goodman |
| e $\frac{1}{2}$ s $\frac{1}{2}$ 9. | | 50 | 75 00 | 60 75 | Anson Allen |
| w $\frac{1}{2}$ n $\frac{1}{2}$ 9. | | 50 | 75 00 | 60 75 | Hugh Allen |
| e $\frac{1}{2}$ n $\frac{1}{2}$ 9. | | 50 | 75 00 | 60 75 | Tom Allen |
| w $\frac{1}{2}$ s $\frac{1}{2}$ 10. | | 50 | 75 00 | 60 75 | Wm. Cole |
| 4. s 4-5 e $\frac{1}{2}$ s $\frac{1}{2}$ 10. | | 40 | 60 00 | 48 60 | Jno. Newton |
| n 1-5 e $\frac{1}{2}$ s $\frac{1}{2}$ 10. | | 10 | 15 00 | 12 15 | Jno. Howard |
| s $\frac{1}{2}$ n $\frac{1}{2}$ 10. | | 75 | 112 50 | 91 13 | Jas. Caldwell |
| n $\frac{1}{2}$ n $\frac{1}{2}$ 10. | | 25 | 37 50 | 30 38 | Dan Lucas |
| Erie and Huron Branch of Pere Marquette Ry. in lots 1, 2 & 3, con. 4, lots 4, 5, 6 & 7, con. 3, and lots 7 & 8, con. 2. | | | | | |
| | | | 1,533 00 | 1,241 73 | |
| One-half of Chatham and Sombra townline. | | | | | |
| | | | 375 00 | 50 00 | |
| Roadbed, cons. 1 and 2. | | | | | |
| | | | 30 00 | | |
| Roadbed, cons. 2 and 3. | | | | | |
| | | | 150 00 | | |
| Roadbed, cons. 3 and 4. | | | | | |
| | | | 150 00 | | |
| Side road, bet. lots 5 and 6. | | | | | |
| | | | 110 00 | 700 65 | |
| Total for benefit. | | | 9,219 00 | | |
| Roads of Municipality. | | | 865 00 | | |

Total \$10,084 00

4th. For paying the sum of \$70,065, the amount assessed against the roads of the municipality and for covering interest thereon for ten years at the rate of five per centum per annum, a special rate on the dollar sufficient to produce the required yearly amount therefor shall over and above all other rates be levied and collected (in the same manner and at the same time as taxes are levied and collected) upon and from the whole rateable property in the said Township of Chatham in each year for ten years after the final passing of this by-law during which the said debentures have to run.

5th. This by-law shall be published once in every week for four consecutive weeks in the *Dresden Times*, a newspaper published in the Town of Dresden, and shall come into force upon and after the final passing thereof, and may be cited the Whitebread Tap Drain By-law.

WM. ABRAHAM,
Reeve.
A. McARTHUR,

CHAPTER 93.

An Act to incorporate the Village of South River.

Assented to 20th April, 1907.

Preamble.

WHEREAS the inhabitants of the unincorporated Village of South River, in the Townships of Machar and Laurier, in the District of Parry Sound, and that portion of the said Townships adjoining the said Village comprised within the limits hereinafter mentioned have, by their petition, represented that the said limits contain a population of seven hundred inhabitants which is steadily increasing, and that said unincorporated village is an important lumbering, manufacturing and distributing point and business centre for a large tract of territory; and whereas the said inhabitants, have by their petition, set forth that it would greatly promote their progress, interest and prosperity if the said village and portions of the said townships comprised within the said limits should be separated from the Municipalities of the Townships of Machar and Laurier and formed into an incorporated village, and they have prayed for such incorporation accordingly; and whereas from the position of the land in said village and for other reasons it has been shown that the area of the said village should extend beyond the limits assigned to incorporated villages by *The Consolidated Municipal Act, 1903*; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Village of
South River
Incorporated.

1. From and after the passing of this Act the inhabitants of the said unincorporated Village of South River and that portion of the Townships of Machar and Laurier adjoining the said village and comprised within the limits or boundaries hereinafter set forth and described shall be and they are hereby created a corporation or body politic under the name of "The Corporation of the Village of South River" separate and apart from the said Townships
and

and shall have and enjoy all the rights, powers and privileges now enjoyed by and conferred on, or which shall or may hereafter be conferred upon incorporated villages in the Province of Ontario, subject to any exception provided by this Act.

2. The said Village of South River is hereby declared to and shall comprise and consist of the lands with the intervening roads, streets and highways within the following limits or boundaries, namely: Lots numbers one, two, three, four and five in the second concession, and one, two, three, four, five, six and seven in the third concession of the said Township of Machar and that part of lot number one in the second concession of the said Township of Laurier lying west of the South River. Limits of village.

3. On the First day of May in 1907 it shall be lawful for Henry O. Boorse, of the said Village of South River, who is hereby appointed the Returning Officer, to hold the nomination for the first election for reeve and councillors at the court room in the said village, at the hour of noon, of which nomination he shall give one week's notice by one week's notice posted up in at least six conspicuous places in the said village of such nomination, and he shall preside at such nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside, who shall have all the powers of a returning Officer, and the polling for the said election, if necessary, shall be held on the same day of the week next following the said nomination, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place at which such polling shall take place. First election of council.

4. At the first election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections the qualifications of the electors, and of the reeve, councillors, and other officers shall be the same as that required in incorporated villages. Qualification at first election.

5. The Township Clerk of Machar shall furnish the said returning officer upon demand made upon him for the same with a certified copy of so much of the last revised assessment roll of the said township as may be required to ascertain the names of all persons in said township entitled to vote at such first election, and the said returning officer shall use so much of the collector's roll or the last revised voters' list of the Township of Laurier as may be required to ascertain the names of the persons in such last mentioned township entitled to vote at such first election. Clerk of township to furnish copy of assessment roll, etc.

First meeting
of council.

6. The reeve and councillors so to be elected shall hold their first meeting at the court room in the said village at ten o'clock in the forenoon of the same day of the week next following the polling, and if there shall not be any polling then on the same day of the week next following the nomination.

Declaration of
office, etc.

7. The several persons who shall be elected or appointed under this Act shall take and subscribe the declaration of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in villages.

By-law for
taking assess-
ment for 1907.

8. The council of the said village may pass a by-law for taking the assessment of the said village from the first day of January to the thirty-first day of December, 1907, between the fifteenth day of July and the fifteenth day of August, 1907; if any such by-law extends the time for making and completing the assessment roll beyond the fifteenth day of August next, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended and the final return by the District Judge twelve weeks from that day.

Expenses of
incorporation.

9. The expenses of and incidental to the obtaining of this Act and of the said first election, and of preparing the necessary papers and of furnishing any documents, papers, writings, deeds or other matter whatsoever connected therewith or required by the clerk of the said village or otherwise howsoever shall be borne by the said village and paid by it to the person or persons that may be respectively entitled thereto.

Apportionment
of assets and
liabilities.

10. The assets, debts, liabilities and obligations of the municipalities of Machar and Laurier shall be apportioned between such municipalities and the Village of South River in such manner as may be agreed upon, and in case of no agreement then by the award of three arbitrators, or a majority of them, one of such arbitrators being appointed by the municipal council of the Township of Machar and one by the municipal council of the Village of South River, and the two so appointed shall choose a third, and if from any cause whatever either of the said councils shall not have appointed an arbitrator within three months after the other of them has appointed an arbitrator, then the Judge of the District of Parry Sound shall appoint an arbitrator on behalf of the municipality so making default, and the two so appointed shall choose a third, and if they shall not agree upon such third arbitrator, then the said Judge of the District of Parry Sound shall appoint such arbitrator and the award of the said arbitrators, or a majority of them, shall be valid and binding in all respects.

11. The said returning officer shall, at the nomination provided for in section 3 of this Act, receive nominations for six school trustees, and the election for such school trustees shall, except so far as is otherwise provided by this Act, be held and conducted in conformity with the provisions of *The Public Schools Act*.

Nomination of
school trustees.

1 Edw. VII.
c. 89.

12. The first meeting of the board of public school trustees shall be held on the same day of the week next following the week of the polling, or if there is no polling, on the same day of the week next following the nomination at two o'clock in the afternoon.

First meeting
of Public
School Board.

13. Three of the trustees (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire; after the time appointed for the next annual school election three trustees shall be elected annually.

Mode of retire-
ment of
trustees.

CHAPTER 94.

An Act respecting the Town of Thessalon and the
Saginaw Lumber and Salt Company.*Assented to 20th April, 1907.*

Preamble.

WHÉREAS the Municipal Corporation of the Town of Thessalon has petitioned praying that an Act may be passed to ratify, confirm and legalize by-law No. 63 of the said corporation being a by-law to authorize the Council of the Corporation of the Town of Thessalon to raise the sum of \$10,500 by way of bonus for the purpose of aiding the Saginaw Lumber and Salt Company in the establishment of a saw mill at Thessalon, in the District of Algoma, and for exemption of the property of said company from municipal taxation, except school tax, for the period of ten years; and whereas the said corporation has represented that the establishment of said industry in the municipality will greatly benefit the citizens of the said town and give employment to a large number of hands; and whereas the said by-law was submitted to the vote of the ratepayers on Monday, the 18th day of March, 1907, when 155 votes were cast in favor of the said by-law and only 2 against; and whereas the said by-law requires legislative confirmation because there are two industries of a similar kind already established in the said town, namely, the Thessalon Lumber Company and George L. Burtis' mill; and whereas the Thessalon Lumber Company is erecting a new mill outside of the said town; and whereas, although the said corporation has been unable to obtain the consent of the Thessalon Lumber Company or George L. Burtis to said proposed by-law the circumstances of the case appear to be exceptional; and whereas no opposition has been made to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 63 of the Municipal Corporation of the Town of Thessalon set out in Schedule "A" and the agreement set out in Schedule "B" to this Act are hereby confirmed and declared legal, valid and binding, and the said Corporation is hereby empowered to do all necessary acts for the full and proper carrying out of the by-law and agreement.

By-law No. 63
of Town of
Thessalon and
agreement con-
firmed.

SCHEDULE "A."

BY-LAW No. 63, TOWN OF THESSALON.

By-law authorizing the Municipal Corporation of the Town of Thessalon to issue debentures to raise the sum of ten thousand five hundred dollars by way of bonus for the purpose of aiding the Saginaw Lumber and Salt Company in the establishment of a saw mill at the Town of Thessalon, in the District of Algoma, for manufacturing purposes, and for exemption of said company from municipal taxation, except School Tax, for the period of ten years.

Whereas the said Saginaw Lumber and Salt Company has agreed to erect and operate a large saw mill in the Town of Thessalon for manufacturing purposes, which mill would employ a large number of hands for ten years.

And whereas the Municipal Corporation of the Town of Thessalon has determined to aid the said company in the erection of the said mill for manufacturing purposes at the Town of Thessalon, in the District of Algoma, by granting thereto a cash bonus of ten thousand five hundred dollars, and by exempting the lands to be acquired by them and their plant, saw mill and appurtenances from municipal taxation, except as to school tax, for a period of ten years.

And whereas, in order to raise said sum of ten thousand five hundred dollars, with interest at five per cent. per annum as hereinafter provided, it will be necessary for said council to issue debentures of the Corporation of the Town of Thessalon for the sum of sixteen thousand eight hundred and fifty-one dollars, the said council has decided to make the principal money and interest of the debt thereby created repayable in twenty equal annual instalments;

And whereas, for the purpose aforesaid, it will be necessary to raise annually during the said term of twenty years, by special rate for paying the said debt, the sum of eight hundred and forty-two dollars and fifty-five cents;

And whereas it will be requisite to raise the several sum in each year, respectively set forth in the schedule to this by-law;

And whereas the whole rateable property in the said Town of Thessalon, according to the last revised assessment roll, is three hundred and fourteen thousand eight hundred and twenty-two dollars;

And whereas the amount of the existing debenture debt of the Municipality of the Town of Thessalon is twenty-eight thousand one hundred and forty-two dollars and sixty-two cents, whereof no sum of principal or interest is in arrears;

Therefore the Council of the Municipal Corporation of the Town of Thessalon enacts as follows:—

1. That the said Saginaw Lumber and Salt Company shall be exempt from municipal taxation for the term of ten years on the mill and docks which they propose to erect in the said Town of Thessalon and the lands connected therewith.

2. That the said Saginaw Lumber and Salt Company shall be further exempt from municipal taxation, except as to school tax, on all their stock manufactured in the said mill during the said period of exemption.

3. That the Mayor and Treasurer of the said Town of Thessalon be and are hereby authorized and required for the purpose aforesaid to borrow the sum of ten thousand five hundred dollars, bearing interest at five per cent. per annum, and to issue debentures of the said corporation to raise that amount, with interest at five per cent. per annum in sums of not less than one hundred dollars each, payable to the amount of eight hundred and forty-two dollars and fifty-five cents in each year, with coupons attached thereto, each of which debentures shall be dated on the day of the issue thereof and shall be payable within twenty years thereafter at the office of the Treasurer of the said Town of Thessalon.

4. Each of the said debentures shall be signed by the Mayor of the said Town of Thessalon or by some other person authorized by by-law to sign same, and by the Treasurer of the said Town of Thessalon, and the clerk shall attach thereto the corporate seal of the municipal corporation.

The said debenture debt shall be calculated to bear interest at the rate of five per cent. per annum, payable in equal yearly payments at the office of the Treasurer of the said Town of Thessalon, in each and every year during the currency thereof.

During the currency of the said debentures there shall be raised annually by special rate on all of the rateable property in the said Town of Thessalon the sum of eight hundred and forty-two dollars and fifty-five cents for the purpose of paying the amount due in each of the said twenty years for principal and interest in respect of the said debt, as shown in the schedule hereto annexed.

The vote of the ratepayers of the said Town of Thessalon shall be taken on this by-law on Monday, the 18th day of March, 1907, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of the same day, at the town hall in the said Town of Thessalon, and that the Clerk of the said Town of Thessalon is hereby appointed returning officer for the said Town of Thessalon.

That on the 11th day of March, 1907, the mayor shall attend at the town hall in the said Town of Thessalon at 10 o'clock in the forenoon to appoint persons to attend at the polling place and at the final summing up of the votes by the clerk on behalf of the persons respectively interested in promoting or opposing the passing of this by-law.

That the clerk of the council of the corporation shall attend at the town hall in the Town of Thessalon at 9 o'clock on the 19th day of March, 1907, and sum up the number of votes given for and against this by-law, and if there is a majority therefor he shall issue his certificate in pursuance of the provisions of *The Municipal Act*.

Read a first and second time and dated at the town hall in the Town of Thessalon this 18th day of February, 1907.

SAMUEL HAGEN,
Mayor.

(Seal.)

BEN C. CASE,
Clerk.

This is the Schedule "A" referred to in the annexed By-law No. 63 of the Town of Thessalon, being a schedule showing the payments of principal and interest in each year during the twenty years mentioned in said by-law.

Schedule

Schedule "A."

| | Principal. | Interest. | Total. |
|---------------------|-------------|------------|-------------|
| 1st instalment..... | \$317 55 | \$525 00 | \$842 55 |
| 2nd " | 333 43 | 509 12 | 842 55 |
| 3rd " | 350 10 | 492 45 | 842 55 |
| 4th " | 367 61 | 474 94 | 842 55 |
| 5th " | 385 99 | 456 56 | 842 55 |
| 6th " | 405 29 | 437 26 | 842 55 |
| 7th " | 425 55 | 417 00 | 842 55 |
| 8th " | 446 83 | 395 72 | 842 55 |
| 9th " | 469 17 | 373 38 | 842 55 |
| 10th " | 492 63 | 349 92 | 842 55 |
| 11th " | 517 26 | 325 29 | 842 55 |
| 12th " | 543 13 | 299 42 | 842 55 |
| 13th " | 570 28 | 272 27 | 842 55 |
| 14th " | 598 80 | 243 75 | 842 55 |
| 15th " | 628 74 | 213 81 | 842 55 |
| 16th " | 660 17 | 182 38 | 842 55 |
| 17th " | 693 18 | 149 37 | 842 55 |
| 18th " | 727 84 | 114 71 | 842 55 |
| 19th " | 764 23 | 78 32 | 842 55 |
| 20th " | 802 22 | 40 33 | 842 55 |
| | <hr/> | <hr/> | <hr/> |
| | \$10,500 00 | \$6,351 00 | \$16,851 00 |

SAMUEL HAGEN,
Mayor.
BEN. C. CASE,
Clerk.

SCHEDULE "B."

This Agreement made in duplicate this Fifth day of April, in the year of our Lord one thousand nine hundred and seven, between The Saginaw Lumber and Salt Company, hereinafter called the Company, of the First Part, and The Corporation of the Town of Thessalon in the District of Algoma, hereinafter called the Corporation, of the Second Part.

Whereas the said company has agreed to erect and operate a large sawmill in the Town of Thessalon for manufacturing purposes;

And whereas the erection and operation of the mill hereinafter mentioned is calculated to contribute materially to the prosperity and well-being of the ratepayers of the Town of Thessalon, and it is expedient to grant aid to the said company in the erection of the said mill upon the terms and conditions hereinafter set forth;

And whereas pursuant to the expressed vote of the ratepayers in the premises confirming By-law Number Sixty-three of the Town of Thessalon, it is expedient to enter into this agreement on the part of the Corporation of the Town of Thessalon with the said company;

Now this agreement witnesseth that for and in consideration of the aid authorized and granted under the authority of the By-law Number Sixty-three hereinbefore mentioned, and of the exemption from taxation for ten years of the said company, and also in consideration of the covenants and agreements hereinafter contained, and to be observed and performed by the parties hereto respectively.

1. The said company covenants and agrees with the corporation that the said company will erect and equip a sawmill and plant upon a site within the limits of the Municipality of the Town of Thessalon to be provided by the corporation, with a capacity

of

of not less than twenty million feet board measure per annum, for the manufacture of lumber and such other articles or products thereof as may be deemed advisable, on or before the first day of September, A. D. 1907.

The company agrees to operate said sawmill and to carry on therein the manufacture of lumber and the products thereof for a period of ten years, to be computed from the first day of January, A. D. 1908, subject as hereinafter provided.

2. The company covenants and agrees with the corporation to properly equip any burner they may use in connection with their said sawmill and plant with such safety appliances as will afford necessary and reasonable protection to property and buildings adjacent thereto or within range thereof.

3. The company covenants and agrees with the corporation that the company will not directly or indirectly commence, engage or become interested in any mercantile business in the Town of Thessalon for the sale by retail therein of any goods, wares or merchandise, excepting lumber, or the products thereof, that may be manufactured by the said company, in competition with the merchants now or hereafter during the continuance of this agreement, carrying on a retail business in the Town of Thessalon.

4. The company covenants and agrees with the corporation that the company will, during the said period of ten years sell and deliver to the Town of Thessalon or ratepayers and residents of the said town desiring to purchase same, wood for fuel commonly described as slabs, at the prices following or under, that is to say,—

(a) To the Town of Thessalon four-foot slabs at sixty cents per cord delivered within one-quarter mile of the mill site, and town wood to be piled three months before payment shall be required for the same.

(b) To ratepayers or residents of the Town of Thessalon, four-foot slabs at seventy-five cents per cord, delivered within one-quarter mile radius of said mill site, or at the price of one dollar and twenty-five cents per cord, delivered by the company to any point within the municipality, not exceeding, however, a distance of one mile from the company's mill site in said town.

5. The company covenants and agrees with the corporation to sell to the ratepayers or residents of the Town of Thessalon the lumber or products thereof manufactured by the company within the municipality at the lowest ruling retail market prices for the same, and in such quantities as may be required by the residents and ratepayers aforesaid for building or other purposes.

6. The company covenants and agrees with the corporation that said mill shall not be removed in whole or in part, or dismantled or rendered incapable of being operated as a sawmill for the manufacture of lumber for a period of ten years, to be computed from the first day of January, 1908, and said mill shall be operated as a going concern by the company for said period of ten years, subject as hereinafter provided.

7. That said company will insure the said buildings, plant and machinery to an amount sufficient to protect the interest of the corporation, as they shall from time to time appear, and if at any time during the said period of ten years said buildings, plant and machinery, or any part thereof, should be destroyed by fire or otherwise, the said company shall either reinstate the same or the said corporation shall be entitled to be paid out of the said insurance money an amount equal to a proportionate part of the said bonus which shall not have been earned by the said company.

8. The company covenants and agrees with the corporation that the company will make no claim of any kind against the corporation or against the Algoma Customs Smelting and Refining Com-

pany

pany for any damage that may be suffered by the company from the operation of the proposed smelter now under negotiation between the corporation and said smelting company.

9. In consideration whereof the said corporation agrees with the said company as follows: That the said corporation will grant to the said company the proceeds of the debentures of the corporation of said town under the authority of the aforesaid By-law Number Sixty-three to the amount of ten thousand five hundred dollars by way of bonus to assist the company in the erection and equipment of the said sawmill and plant within the municipality as aforesaid, and upon the mill site to be granted by said corporation.

10. The corporation further agrees with the company to grant free of expense to the company a suitable mill site for the erection thereon of said sawmill within the limits of the municipality along the lake front, comprising about twenty acres of land more or less, and to provide easy and safe access thereto by the construction of a suitable wagon road from the nearest point on any of the municipality's highways to the place where said mill shall be erected; said wagon road to be constructed and ready for use as soon as said mill shall be ready for operation.

11. The corporation, so far as it legally may, agrees to exempt the mill and docks from municipal taxation, of the said company, except as to school tax, for the period of ten years, as provided in said By-law Number Sixty-three, from the first day of January, 1908, to the first day of January, 1918.

12. It is hereby provided and agreed that in the event of the company failing or neglecting to operate said sawmill in any year of the exemption period mentioned in the next preceding clause of this agreement, that the company shall pay taxes to the municipality in any such year or years to the full amount that may be legally assessable upon the full value of their property within the municipality, (rated and valued as a going concern), but in no event shall such taxes so to be levied under this clause be less than the full amount of the debenture issued under aforesaid By-law Number Sixty-three accruing due and payable in any such year, and the company hereby agrees to pay taxes according to said agreement in the event of their failure or neglect to operate said mill continuously between the months of May and November in any one or more of the said years, save in case of accident or strikes, or any cause beyond the control of said company.

13. It is hereby provided and agreed that in the event of the removal of said mill and plant in whole or in part, or in the event of the said company failing to operate said mill and plant according to the terms of this agreement during the aforesaid period, then and in any of such events the company shall pay to the corporation during any such year or years said mill fails to operate within said municipality a sum or sums equal to the annual amount of the bonus granted to the company under the aforesaid By-law Number Sixty-three, which proportion of the debentures shall not have been earned by the said company.

14. This agreement shall enure to the benefit of and be binding upon the successors and assigns of the parties hereto as well as the parties themselves.

In witness whereof the parties aforesaid have affixed their corporate seals evidenced by the signature of their proper officers thereunto legally authorized.

Signed, sealed and delivered
in the presence of
C. A. BATSON.

SAMUEL HAGAN,
Mayor.

BEN C. CASE,
Clerk

SAGINAW LUMBER AND SALT Co.,
RALPH LOVELAND,
President.

CHAPTER

(Seal).

CHAPTER 95.

An Act respecting the City of Toronto.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Municipal Corporation of the City of Toronto has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the said City has, under the provisions of the Act passed in the third year of His Majesty's reign, Chaptered 86, acquired certain lands west of Dufferin street for park purposes and desires to use the same for the purposes of the Toronto Industrial Exhibition, and also desires to use a portion of the moneys raised under the said Act for improvements opposite the Garrison Commons, including the construction of a sea wall and drive; and whereas the said City has asked for authority to issue debentures to the amount of \$463,500 to cover the amount of a floating debt arising from certain over-expenditures in connection with works duly authorized and to cover the cost of certain other works and improvements of an urgent and necessary nature, and it appears reasonable that authority should be given to issue debentures for the said purpose; and whereas no objections have been made to any of the by-laws set out or referred to in Schedule "A" hereto, and no opposition has been offered to the confirmation of the same; and whereas doubts have arisen as to the validity of certain tax sales and deeds and it is desirable to validate the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to use certain lands west of Dufferin Street for Industrial Exhibition.

1. The lands west of Dufferin Street acquired by the said City under the provisions of section 5 of the Act passed in the 3rd year of His Majesty's reign, Chaptered 86,

may

may be used for Industrial Exhibition purposes, and the said City may close the portion of Dufferin Street south of the Grand Trunk Railway tracks and the portions of other streets upon which the lands so acquired front or abut, as soon as the City acquires possession of the property on said portions of streets and may use the same with the grounds of the Industrial Exhibition for the purposes thereof. Provided that no buildings shall be placed on the said portion of Dufferin Street and that the owners and occupants of the property on the north-east corner of Dominion Street and Spencer Avenue shall have reasonable access to the streets of the City to be provided through the said lands.

2. The said City may employ the moneys raised by virtue of the powers contained in section 5 of the Act passed in the third year of His Majesty's reign, Chaptered 86, in making permanent improvements upon and along the water lots acquired for park and exhibition purposes in front of the Garrison Commons, including the construction of a sea wall and drive between Bathurst street and the west limit of Dufferin street.

Sea wall in front of and west of Garrison Commons.

3. The Council of the said City may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as from time to time may be necessary to authorize the issue of "City of Toronto Consolidated Loan Debentures" to such amount as may be required to raise the sum of \$463,500 for the following purposes:—

Power to issue debentures for certain purposes without assent of rate-payers.

| | |
|---|-----------|
| Re-building Exhibition buildings destroyed by fire | \$200,000 |
| Cost of acquiring the buildings and improvements on Dalton lot, and the construction of piling, etc., thereon | 52,000 |
| Additional amount for erection of new Morgue, and stables for ambulances | 24,500 |
| Erection of a new Police Station on Pape avenue | 23,500 |
| Additional amount required for erection of Berkeley street, Kew Beach and Cowan avenue fire-halls | 16,000 |
| Public bath house and comfort station on Stephanie Place | 40,000 |
| Police patrol signal service, stable for van and wagon at No. 2 Police Station | 47,500 |
| Garbage incinerator at north end of City..... | 60,000 |

\$463,500

and for such purposes, or any of them, may issue any number of debentures payable in this Province or elsewhere in sums of not less than \$100 each, which may be payable at

any

any time within forty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding four per cent. per annum, payable half-yearly, and for the purpose of redeeming such debentures and paying the interest thereunder the Council of the Corporation of the City of Toronto may, in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor, impose a rate per annum upon all ratable property in the said municipality over and above and in addition to all other rates to be levied in each year, which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

Debenture
by-laws con-
firmed.

4. The by-laws of the Corporation of the City of Toronto specified in Schedule "A" hereto and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof, are hereby validated and confirmed.

Firemen's Per-
manent Relief
Fund.

5. The Treasurer of the City of Toronto for the time being is hereby added as a member of the Trustee Board of the Firemen's Permanent Relief Fund established by the Trust Deed set out in Schedule "A" to the Act passed in the third year of His Majesty's reign, Chaptered 86, and shall have all the powers and be subject to all the obligations of the said trustees under the said deed and Act.

Sale of
water lot.

6. Notwithstanding the conditions contained in any grant to the said City of the water lot at the southwest corner of the Esplanade and Frederick street (being part of what is known as lot No. 15 according to plan 5 A), the said City may sell the same and the lands added thereto under the provisions of the Windmill Line Agreement at such price as to the Council of the said City may appear reasonable.

Grant to Fire
Department
Superannua-
tion Fund.

7. The Council of the said City shall include in the estimates yearly and make an annual contribution for forty years from and including the year 1907 of not less than \$8,750 toward the Toronto Fire Department Superannuation and Benefit Fund.

49 Vic., c. 66,
s. 12 amended.
Don Improve-
ment.

8. Section 12 of the Act passed in the 49th year of the reign of Her late Majesty Queen Victoria, and Chaptered 66, is amended by striking out all the words between the word "than" in the ninth line and the word "nor" in the eleventh line of the said section and inserting in lieu thereof the following words "for less than its fair market value."

9. All sales of land within the Municipality of the City of Toronto, made prior to the 31st day of December, 1904, purporting to be made by the corporation of the said city for arrears of taxes in respect of land so sold are hereby validated and confirmed, and all deeds of lands so sold executed by the mayor and treasurer and clerk of the said corporation purporting to convey the said lands so sold to the purchaser thereof or his assigns, or to the said corporation shall have the effect of vesting the land so sold and conveyed and the same are hereby vested in the purchaser or his assigns, and his and their heirs and assigns, or in the corporation and its assigns, as the case may be, in fee simple, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale or their assigns and of all charges and encumbrances thereon except taxes accrued after those for non-payment whereof the said lands were sold. Nothing in this section contained shall affect any litigation or other proceeding pending on the 21st day of March, 1907, or any litigation commenced between the said 21st day of March, 1907, and the date of the passing of this Act, in regard to any lands purchased by or deeded to the said corporation or purporting to be so purchased or deeded and for which no sale or contract or agreement for sale had been made by the said corporation, but any such litigation or other proceeding may be continued and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

10. Section 2 of the Act passed in the 6th year of His Majesty's reign, Chaptered 99, is hereby amended by adding at the end thereof the following words:—"Nothing herein contained shall affect in any way the dispute between the Canadian Pacific Railway Company, and the corporation of the City of Toronto as to the liability (if any) of the said Railway Company for taxes before the passing of this section, but the same shall be determined in all respects as if this section had not been passed."

§ Ed. VII., c. 99,
S. 2 amended.

SCHEDULE "A."

| No. of By-law. | Nature of Work under By-law. | When passed by Council. | Total Cost of Work. | | Amount to be borne by the City. | | Amount to be borne by Ratepayers. | | Period of Payment. | Rate of Interest. |
|----------------|---|-------------------------|---------------------|----|---------------------------------|----|-----------------------------------|----|--------------------|-------------------|
| | | | \$ | c. | \$ | c. | \$ | c. | | |
| 4644 | Local Improvement Debentures, to defray the ratepayers' share of the cost of certain sewers constructed in the year 1905. | Feb. 12, 1906 | 25,991 | 71 | 3,171 | 50 | 22,820 | 21 | 10 | 3½ |
| 4645 | Local Improvement Debentures, to defray the ratepayers' share of the cost of certain bithulithic pavements constructed in the year 1905. | " | 40,055 | 81 | 7,987 | 51 | 32,068 | 30 | 10 | 3½ |
| 4646 | Local Improvement Debentures, to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1905. | " | 101,440 | 56 | 23,762 | 89 | 77,677 | 67 | 10 | 3½ |
| 4647 | Local Improvement Debentures, to defray the ratepayers' share of the cost of a bithulithic pavement, on Gerrard street, between Broadview avenue and the bridge. | " | 7,116 | 70 | 5,942 | 70 | 1,174 | 00 | 10 | 3½ |
| 4648 | Asphalt Block Pavement on Victoria street, between King street and Colborne street. | " | 2,728 | 29 | 1,545 | 09 | 1,183 | 80 | 10 | 3½ |
| 4668 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt pavements, constructed in the year 1905. | March 12, 1906 | 53,914 | 95 | 14,149 | 40 | 39,765 | 55 | 10 | 3½ |
| 4669 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain macadam pavements, constructed in the year 1905. | " | 7,548 | 76 | 3,143 | 28 | 4,405 | 68 | various | 3½ |
| 4670 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain macadam pavements constructed in the year 1905. | " | 9,112 | 20 | 1,321 | 15 | 7,791 | 05 | 5 | 3½ |
| 4671 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain macadam pavements constructed in the year 1905. | " | 7,466 | 94 | 2,195 | 64 | 5,271 | 30 | 3 | 3½ |

| | | | | | | |
|---|----------------|------------|------------|-----------|----|----|
| 4672 Local Improvement Debentures to defray the ratepayers' share of the cost of certain tar macadam pavements constructed in the year 1905. | March 12, 1906 | 15,294 17 | 3,147 48 | 12,146 69 | 5 | 3½ |
| 4673 Local Improvement Debentures to defray the ratepayers' share of the cost of certain brick pavements constructed in the year 1905. | " | 29,645 52 | 12,505 52 | 17,140 00 | 10 | 3½ |
| 4674 Local Improvement Debentures to defray the ratepayers' share of the cost of certain cedar block pavements constructed in the year 1905. | " | 16,456 80 | 3,870 80 | 12,586 00 | 8 | 3½ |
| 4675 Local Improvement Debentures to defray the ratepayers' share of the cost of certain cedar block pavements constructed in the year 1905. | " | 8,403 53 | 1,634 63 | 6,768 90 | 5 | 3½ |
| 4676 Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete curbs constructed in the year 1905. | " | 3,157 68 | 603 40 | 2,554 28 | 5 | 3½ |
| 4677 Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete curbs constructed in the year 1905. | " | 999 74 | 198 31 | 801 43 | 10 | 3½ |
| 4678 Local Improvement Debentures to defray the ratepayers' share of the cost of certain plank sidewalks constructed in the year 1905. | " | 4,942 80 | 881 75 | 4,061 05 | 3 | 3½ |
| 4679 Bituminous Macadam Pavement, on Withrow avenue, between a point thirteen feet west of the east side of Broadview avenue and the east side of Logan avenue. | " | 10,307 75 | 2,431 55 | 7,876 20 | 10 | 3½ |
| 4680 Vitrified Block Pavement, on Princess street, between King street and Esplanade street. | " | 10,039 97 | 3,636 67 | 6,403 30 | 10 | 3½ |
| 4681 Stone Block Pavement, on Esplanade street, between Scott street and Berkeley street. | " | 59,547 15 | 20,956 85 | 38,590 30 | 15 | 3½ |
| 4682 Sewer, on Dundonald street between Yonge street and a point 150 feet west of Church street. | " | 2,406 60 | 140 00 | 2,266 60 | 10 | 3½ |
| 4683 General Consolidated Loan Debentures to redeem and replace certain water works debentures. | March 19, 1906 | 842,193 33 | 842,193 33 | ..... | 38 | 3½ |
| 4684 Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1905. | " | 23,165 32 | 3,547 00 | 19,618 32 | 10 | 3½ |

SCHEDULE "A."—Continued.

| No. of By-law. | Nature of Work under By-law. | When passed by Council. | Total Cost of Work. | Amount to be borne by City. | Amount to be borne by Ratepayers. | Period of Payment. | Rate of Interest. |
|----------------|--|-------------------------|---------------------|-----------------------------|-----------------------------------|--------------------|-------------------|
| | | | \$ c. | \$ c. | \$ c. | Years. | Per cent. |
| 4685 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1905. | " | 63,841 92 | 10,254 39 | 53,587 53 | 10 | 3½ |
| 4697 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain bitulithic pavements constructed in the year 1905. | April 9, 1906. | 15,527 07 | 3,668 37 | 11,858 70 | 10 | 3½ |
| 4698 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain macadam pavements constructed in the year 1905. | " | 17,372 45 | 7,290 45 | 10,082 00 | various | 3½ |
| 4699 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain brick pavements constructed in the year 1905. | " | 4,098 16 | 1,094 36 | 3,003 80 | 10 | 3½ |
| 4700 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain sewers constructed in the year 1905. | " | 8,933 64 | 760 00 | 8,173 64 | 10 | 3½ |
| 4701 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1905. | " | 72,456 53 | 13,195 14 | 59,261 39 | 10 | 3½ |
| 4702 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete pavements constructed in the year 1905. | " | 24,680 52 | 4,766 04 | 19,914 48 | 10 | 3½ |
| 4703 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain plank sidewalks constructed in the year 1905. | " | 585 50 | 181 50 | 404 00 | 3 | 3½ |
| 4704 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete curbs constructed in the year 1905. | " | 2,816 84 | 1,064 74 | 1,752 10 | 3 | 3½ |

| | | | | | | |
|---|----------------|-----------|-----------|-----------|----|----|
| 4705 Macadam pavement on Eastern avenue, between Pape avenue and Caroline avenue | April 9, 1906. | 2,21 12 | 584 12 | 1,626 00 | 5 | 3½ |
| 4706 Tar macadam pavement on Hawthorne avenue, between Dale avenue and a point 842 feet North | " | 4,351 82 | 1,561 52 | 2,790 30 | 5 | 3½ |
| 4707 Tar macadam pavement on Virtue street, between Sorauren avenue and a point 314 feet east | " | 1,535 74 | 379 24 | 1,156 50 | 5 | 3½ |
| 4708 Vitrified block pavement on Dundas street, between the bridge and Bloor street | " | 26,764 32 | 6,001 82 | 20,762 50 | 10 | 3½ |
| 4709 Brick pavement on Osler avenue, between Royce avenue and the north city limits | " | 6,697 02 | 1,325 02 | 5,372 00 | 10 | 3½ |
| 4710 Concrete sidewalk on the north side of King street, between Spadina avenue and a point 87 feet east | " | 110 96 | ..... | 110 96 | 10 | 3½ |
| 4711 Wooden curbing and the removal of the plank sidewalk out to the curb on the south side of Hepbourne street, between Ossington avenue and Dovercourt road | " | 228 56 | 64 06 | 164 50 | 3 | 3½ |
| 4712 Extension of Piper street, from its present eastern terminus easterly to Bay street | " | 31,167 30 | 15,583 65 | 15,583 65 | 10 | 3½ |
| 4713 Extension and grading of Essex street, under plan No. 388, westerly to connect with Essex street, under plan No. 1008 | " | 202 65 | ..... | 202 65 | 3 | 3½ |
| 4714 Extension of Lindsay avenue from its present easterly terminus easterly to Havelock street | " | 1,637 37 | 412 37 | 1,225 00 | 10 | 3½ |
| 4715 Extension and grading of Sylvan avenue, from its present terminus easterly to Havelock street | " | 559 83 | ..... | 559 83 | 5 | 3½ |
| 4716 Extension of Atkins avenue, as shown on plan 919, easterly to Sheridan avenue | " | 1,217 49 | ..... | 1,217 49 | 5 | 3½ |
| 4717 Extension of Hickson street, from its present terminus easterly to Brock avenue | " | 2,871 95 | 871 95 | 2,000 00 | 10 | 3½ |
| 4718 Widening and grading of Concord avenue, between Northumberland street and a point 317 feet south of Hallam street | " | 1,346 62 | ..... | 1,346 62 | 5 | 3½ |
| 4719 Opening up and grading of Lumbervale avenue, through the Mallon property, extending from the west limit of Lansdowne avenue to the east limit of St. Helens avenue | " | 1,694 39 | ..... | 1,694 39 | 5 | 3½ |
| 4720 Local Improvement Debentures to defray the ratepayers' share of the cost of grading certain streets in the year 1905 | Apr. 23, 1906 | 1,705 22 | ..... | 1,705 22 | 5 | 3½ |

SCHEDULE "A"—*Concluded.*

| By-law No. | Nature of Work under By-law. | When passed by Council. | Total Cost of Work. | | Amount to be borne by City. | | Amount to be borne by Ratepayers. | Period of payment. | Rate of Interest. |
|------------|---|-------------------------|---------------------|----|-----------------------------|-------|-----------------------------------|--------------------|-------------------|
| | | | \$ | c. | \$ | c. | | | |
| 4726 | Sewer on Sterling Road, between a point 284 feet north of Dundas street and the north terminus of Sterling Road. | May 14, 1906 | 4,852 | 40 | 140 | 00 | 4,712 40 | years. 10 | per cent. 3½ |
| 4727 | Brick sidewalk, on the south side of Crescent Road, between Rosedale Road and the west limit of House No. 63, Crescent Road. | " | 197 | 34 | 16 | 94 | 180 40 | 10 | 3½ |
| 4728 | Concrete sidewalk, on the west side of Lansdowne Avenue, between Bloor Street and Jeanette Avenue. | " | 496 | 93 | 59 | 03 | 437 90 | 10 | 3½ |
| 4733 | General Consolidated Loan Debentures for acquiring a site and constructing a High School building thereon. | " | 66,460 | 00 | 66,460 | 00 | ..... | 38 | 3½ |
| 4734 | General Consolidated Loan Debentures, to meet the cost of a Steel Hydraulic Dredge. | May 28, 1906 | 56,303 | 00 | 56,303 | 00 | ..... | 10 | 3½ |
| 4735 | General Consolidated Loan Debentures, to meet the cost of certain permanent improvements. | " | 184,426 | 00 | 184,426 | 00 | ..... | 38 | 3½ |
| 4751 | Local Improvement Debentures, consolidating broken amounts, being the ratepayers' share named in certain Local Improvement By-laws. | " | 553,856 | 58 | ..... | ..... | 553,856 58 | Various | 3½ |
| 4752 | Local Improvement Debentures, consolidating the City's Proportion of the amounts named in certain Local Improvement By-laws. | June 25, 1906 | 186,047 | 83 | 186,047 | 83 | ..... | Various | 3½ |
| 4763 | General Consolidated Loan Debentures, to meet the cost of straightening the River Don and Improving the City's lands in and around Ashbridge's Bay. | July 31, 1906 | 200,000 | 00 | 200,000 | 00 | ..... | 38 | 3½ |
| 4764 | General Consolidated Loan Debentures for the construction of a subway at Lansdowne Avenue. | " | 100,000 | 00 | 100,000 | 00 | ..... | 38 | 3½ |
| 4796 | General Consolidated Loan Debentures, for the purchase of Parks and Playgrounds and making permanent improvements thereon. | Oct. 22, 1906 | 167,737 | 00 | 167,737 | 00 | ..... | 38 | 3½ |
| 4814 | General Consolidated Loan Debentures to purchase a site for the West End Branch Public Library. | Dec. 10, 1906 | 7,640 | 00 | 7,640 | 00 | ..... | 38 | 3½ |

CHAPTER 96.

An Act respecting the Town of Toronto Junction.

Assented to 20th April, 1907.

WHEREAS the Municipal Corporation of the Town of Preamble Toronto Junction has by its petition represented that Dundas Street, one of the main thoroughfares of the said town, is out of repair and in a condition dangerous to public traffic, and that it is necessary in the interests of the said corporation and the ratepayers thereof that a permanent pavement, together with permanent sidewalks and curbing on the sides thereof should be constructed thereon from the westerly limits of the City of Toronto to Victoria Street, a distance of one mile or thereabouts, at an estimated cost of \$80,000; and whereas the said corporation has further represented that in order to prevent the tearing or breaking up of the said permanent pavement when constructed it will be necessary to construct and lay down on the said portion of the said street branch water connections from the existing water mains on the said street up to the outer line thereof at an estimated cost of \$10,000, and branch drains from the sanitary and storm sewers to the street line at an estimated cost of \$10,000; and whereas owing to the provisions of the Act passed in the sixty-first year of Her late Majesty's reign, Chaptered 55, it is doubtful whether the said corporation has power to borrow money by the issue of debentures to pay the cost of the construction of such works and it is desirable that special authority should be given to the said corporation to issue debentures for the purposes aforesaid; and whereas the corporation desires to have the power to make a contract or contracts with any person, firm or corporation for a water supply for fire protection for public, domestic and private uses for a period of twenty years; and whereas the value of the whole rateable property of the said town according to the last revised assessment roll is \$3,532,115 and the total debenture indebtedness is \$1,062,650; and whereas the said corporation has by its petition prayed that an Act may be passed for the above mentioned

mentioned purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to
issue debentures for
\$100,000 for
pavements,
sidewalks, etc.

1. Notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, and amendments thereto or in any general or special Act, the Municipal Corporation of the Town of Toronto Junction may pass a by-law to borrow a sum not exceeding \$100,000 by the issue of debentures to pay the cost of constructing and laying down a permanent street pavement on Dundas Street in the said town from the westerly limits of the City of Toronto to Victoria Street and permanent sidewalks and curbing on each side of the said pavement and branch water connections, service pipes, and private drain connections from any existing water main, drain or sewer to the street line on each side of the said portion of Dundas Street, said debentures to be a charge on the said corporation and the revenues thereof, subject to the debentures issued under the authority of the Act passed in the 61st year of Her late Majesty's reign, Chaptered 55.

Apportionment
of cost.

2. One half of the total cost of the said permanent street pavement, sidewalks and curbing, after deducting the amount payable by the municipality for the usual and legal allowances for street intersections, exempt properties and flankages, shall be borne by the municipality at large, and the remainder of the cost shall be assessed and levied upon the real properties liable to assessment fronting or abutting upon the said portion of Dundas Street.

Assessment for
cost of branch
water connections, etc.

3. The whole cost of the construction and laying down of said branch water connections, service pipes and private drain connections shall be assessed and levied by a special rate upon properties benefited thereby instead of by frontage rate. The amount to be assessed and levied upon each adjoining property or upon the lands benefited thereby, shall be the cost of construction of the branch water connection or service pipe or private drain connection from the centre of the street to the line along the adjoining property whether the main or sewer is laid on the centre or side of the street.

Procedure
under 3 Edw.
VII., c. 19, not
required.

4. It shall not be necessary for the said corporation, before finally passing the said by-law to obtain the assent of the ratepayers thereto or to observe any of the formalities or to proceed by any one of the methods set out in the local improvement clauses of *The Consolidated Municipal*
pal

pal Act, 1903, that is to say, by a petition of the ratepayers or on sanitary grounds or on the initiative of the corporation.

5. The said debentures shall be made payable in not more than ten years from the date of the issue thereof, and shall bear interest at a rate not exceeding 5 per cent. per annum payable yearly and shall have coupons attached thereto for the interest and shall be payable at such place or places as the corporation may deem expedient.

Term of debentures.

6. The said debentures shall be payable in equal annual instalments of principal and interest, in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest in each of the other years of the period within which the debt is to be paid.

Annual instalments of principal and interest.

7. It shall be lawful for the said corporation to issue and sell the said debentures, and the said by-law when passed and the debentures to be issued thereunder shall be legal, valid and binding; and save as in this Act specially provided, all the provisions of *The Consolidated Municipal Act, 1903*, and amendments thereto, with respect to any improvement work or service to be constructed as a local improvement in a town shall apply to the works to be constructed under the said by-law and the assessments therefor.

By-law and debentures validated.

8. The said corporation may make a contract or contracts for the supply of water to the said corporation for the period of twenty years or such less time as it deems fit, for fire protection, public and domestic or private uses of the corporation or the inhabitants thereof, and to pass all and any by-laws for said purpose.

Contracts for water supply.

CHAPTER 97.

An Act respecting the City of Windsor.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Municipal Corporation of the City of Windsor has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it has been made to appear that there were on the last revised assessment roll of the said city four hundred and forty-seven non-resident ratepayers entitled to vote on by-laws for granting exemptions or bonuses; and whereas it has been represented that between two and three thousand residents of the said city are employed in or about the City of Detroit, a great number of whom are so occupied that they leave the City of Windsor early in the morning and do not return until late in the evening and are thus unable to cast their votes on any by-law that may be submitted; and that the said city is the terminal or divisional point for five of the leading railroads of Canada, namely, The Grand Trunk Railway, The Canadian Pacific Railway, The Wabash Railway, The Michigan Central Railway and the Pere Marquette Railway, and that the said railroads employ a large number of men (residents of the said city) on their train crews, many of whom leave on trains early in the day and do not return until late in the evening and in some cases until the following day and are thus unable to vote on any by-law which may be submitted; and that a large number of mariners engaged upon the steamers and vessels of the rivers and lakes reside in the said city but on account of their occupation are necessarily absent for some months in the year; and whereas owing to the peculiar position of the city as to non-resident and absentee voters, as above set out, it is impossible to obtain the necessary two-thirds vote of the duly qualified ratepayers, as required by *The Municipal Act* in the case of bonus by-laws; and whereas the city has in recent years submitted a number of by-laws for the purpose of granting aid by way of bonus, all of which received a substantial majority of the vote actually cast, but not sufficient to

carry

carry the said by-laws; and whereas the circumstances of the said city appear to be exceptional; and whereas, subject as is hereinafter provided, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, or in *The Assessment Act*, or in any amendments to the said Acts, the Council of the City of Windsor may at any time within three years after the passing of this Act; and subject to the provisions hereinafter contained, by a three-fourths vote of all the members thereof pass by-laws for granting aid by way of bonus for the promotion of manufactures within the limits of the municipality to such person or body corporate and in respect of such branch of industry as the council may determine upon.

Power to pass bonus by-law with three-fourths vote of council.

2. The aid by way of bonus shall be limited to the following:—

Limit of aid.

(a) Free municipal light and water for a period not exceeding ten years.

(b) The exemption or partial exemption from taxation (except for school purposes and local improvement rates) for a period not exceeding ten years.

(c) A grant or lease of land for manufacturing sites.

3. The said council may finally pass any by-law for the purposes mentioned in clauses (a) and (b) of section 2, without obtaining the approval of the duly qualified ratepayers thereto, but no by-law for the purpose mentioned in clause (c) of said section 2 shall be finally passed except with the approval of a majority of the duly qualified ratepayers voting thereon in addition to the three-fourths vote of all the members of the council as aforesaid.

Assent of majority of ratepayers voting when required

4. Such aid shall be given only to such person or body corporate as shall enter into an agreement with the municipality to employ at least 25 hands, half of whom shall be adults, and such person or body corporate shall own his or its own site, buildings and plant, or if holding a lease from the municipality shall agree to expend for buildings and plant at least nine times the value of the land leased and to locate permanently in the said municipality.

Conditions governing aid.

5. The municipality may take and receive security for the compliance with the terms and conditions upon which such land is granted or leased.

Security for compliance with terms.

Industry not to be aided where similar one already established.

6. No by-law shall be passed granting a bonus to or for a manufacturer who proposes establishing an industry of a similar nature to one already established in such municipality unless the owner or owners of such established industry or industries shall first have given their consent in writing to the granting of such aid.

Aid not to be granted to industry already established in another municipality.

7. No by-law shall be passed for granting aid to any industry already established elsewhere in the Province or such as have been moved to such municipality from another municipality in the Province, whether such industry is to be carried on by the same proprietor as in the locality from which it has been or is to be removed or is to be carried on by some other person deriving title through or under such proprietor, or otherwise, or by such proprietor in partnership with other persons, or by a joint stock company, or otherwise.

Authority to purchase lands up to \$20,000 for aiding manufacturers.

8. The Council of the City of Windsor may by said three-fourths vote and with the approval of a majority of the duly qualified ratepayers actually voting thereon pass by-laws to secure from time to time lands for the purposes of such aids and also provide means necessary to procure such lands as may be required from time to time for such purposes by borrowing money by the issue of debentures on the credit of the city at large to an amount not exceeding \$20,000.

Construction of Act.

9. Nothing in this Act contained shall be construed so as to take away or in any way abridge any powers which said council now has under *The Consolidated Municipal Act, 1903*, and amendments thereto, or any special or private Act to pass by-laws without obtaining the assent of the electors thereto before the final passing thereof for borrowing money on the credit of the city at large by the issue of debentures for any of the purposes mentioned in this Act or in any of the said other Acts.

Appointment of Electric Light Commissioners.

10. The Municipal Corporation of the City of Windsor may by by-law transfer to three commissioners the management of its electric light plant under *The Municipal Light and Heat Act* and amendments thereto without the further assent of the electors thereto and after the appointment or election of such commissioners the said commissioners shall be paid a salary of \$50 each per annum.

CHAPTER 98.

An Act respecting the Township of York.

Assented to 20th April, 1907.

WHEREAS the Municipal Corporation of the Town-^{Preamble.}ship of York has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the said municipal corporation agreed with General Leather Goods, Limited, that the annual assessment of the lands, buildings and personal property hereinafter described of the said company, situate within the Township of York, should be fixed at \$6,000 exclusive of assessment for business tax for a period of twenty years from the 1st day of January, 1907, and pursuant to said agreement By-law Number 2053 of the said municipal corporation was passed; and whereas the said municipal corporation agreed with the Toronto Bolt and Forging Company, Limited, that the annual assessment of the lands, building and personal property hereinafter described of the company, situate within the Township of York, should be fixed at \$38,000 for a period of twenty years from the 1st day of January, A.D. 1907, said sum to include assessment for business tax during the said period, and pursuant to said agreement By-law No. 2054 of the said municipal corporation was passed; and whereas the said municipal corporation agreed with the firm J. E. Edwards & Sons that the annual assessment of the lands, buildings and personal property hereinafter described of the said firm situate within the Township of York should be fixed at \$8,000 exclusive of assessment for business tax, for a period of twenty years from the 1st day of January, 1907, and pursuant to the said agreement By-law Number 2064 of the said municipal corporation was passed; and whereas the said firm and companies acting on the faith of the said agreements and by-laws have erected and equipped buildings, factories and works and intend further to extend and enlarge their buildings, factories and works and are now employing a large number of workmen, the majority of whom reside in the Township of York, and are paying out in each year large sums of money in wages and salaries and the industries to be carried

carried on by the said firm and companies are and will be of considerable benefit to the said Township of York; and whereas none of the said by-laws have been moved against nor have any objections been made to the said by-laws or any of them; and whereas it appears to be desirable and expedient that the said by-laws should be confirmed and validated; and whereas subject as is hereinafter provided it is expedient to grant the prayer of the said petition respecting the said by-laws and otherwise as hereinafter set forth;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Date of
Nomination
and polling
day.

1. The Council of the Corporation of the Township of York may by by-law passed not later than the 15th day of November in any year enact that the meeting of the electors for the nomination of candidates for the offices of reeve, deputy reeve and councillors, shall be held on the 23rd day of December in each year, unless that day falls on Sunday, in which case the nomination shall be held on the following day, and that the election of reeve, deputy reeves and councillors shall be held on the 1st day of January, next thereafter, except where that day falls on Sunday, in which case the election shall be held on the following day.

Assessment
and collectors'
rolls confirmed.

2. All assessment rolls of the said township heretofore finally revised, all collectors' rolls of the said township heretofore returned by the collectors thereof and all collectors' returns heretofore made are hereby validated and confirmed notwithstanding any irregularity, fault or omission in the said assessments, collectors' rolls or collectors' returns, or in any matter or thing done or omitted to be done in relation thereto and notwithstanding anything contained in any Act or Acts to the contrary.

Sales of land
held prior to
Jan'y 1st, 1905,
confirmed.

3. All sales of land within the said township made prior to the first day of January, A.D. 1905, and purporting to be made for arrears of taxes in respect of the lands so sold, including sales of land which may have been purchased by the council of the said corporation or by anyone on behalf of the said council under the provisions of *The Assessment Act*, and all tax deeds purporting to be issued in pursuance of such sales are confirmed and declared to be and to have been legal, valid and binding to all intents and purposes, notwithstanding any error of description and notwithstanding any irregularity in the assessments or any other proceedings for the imposition of any taxes so in arrear or any failure to comply with requirements of

The

The Assessment Act, 1902, or *The Assessment Act* or of any Act or Acts amending the same in regard to the certifying or signing of the same or the making of any affidavit or oath required in connection therewith or in regard to the time for the return of any collectors' roll of the said township or in regard to the furnishing, authenticating or depositing of any list of land in arrear for taxes within the said township or the furnishing by the collector of any account of the taxes remaining due on any and all collectors' rolls or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrears or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods and notwithstanding any failure on the part of the council to give written notice to the owner (or any other person) of any lot, or part of lot, or lots, as required by subsection 3 of section 184 of chapter 224 of the Revised Statutes of Ontario, 1897, and notwithstanding that the Township of York purchased more than one lot at any adjourned sale of lands for arrears of taxes, and notwithstanding the failure of the treasurer of the municipality or of any person on his behalf to make or cause to be made a search or searches and to give a notice or notices as required by section 165 of *The Assessment Act*, and notwithstanding any other failure, omission or mistake of any kind whatsoever, in or about the said sale on the part of the council or of any official of the said township, and notwithstanding anything to the contrary in any of the said Acts contained.

4.—(1) Subject to the provisions of subsection 2 of this section by-laws numbers 2053, 2054 and 2064 of the Corporation of the Township of York, set out in Schedules "A," "B" and "C" to this Act are hereby respectively ratified and confirmed and declared to be legal and binding on the said Township of York and the ratepayers thereof.

By-laws No.
2053, 2054 and
2064 confirmed.

(2) Notwithstanding anything contained in any of the said by-laws the lands, buildings, plant, machinery, fixtures and other property mentioned and described in the said by-laws shall, for school purposes and local improvements, be assessed and liable to taxation in each and every year in the same manner as if the said by-laws had not been passed, and for other purposes each of the said by-laws shall be and remain in force for a period of ten years only from the 1st day of January, 1907, and shall have no force or effect after the expiration of the said period of ten years.

SCHEDULE "A."

BY-LAW No. 2053.

A by-law providing that the assessment of the land and property hereinafter described may be fixed at \$6,000 per annum for a period of twenty years.

Whereas General Leather Goods, Limited, of the Township and County of York, has by its petition represented that their said company is now seized of the lands and premises hereinafter described and that a large sum of money has been and will be expended by the said company upon the said lands in erecting buildings thereon and in installing therein the necessary machinery and plant for the purposes of the business there carried on under the name "General Leather Goods, Limited;"

And whereas the said company has by its said petition requested that a by-law be passed providing that the annual assessment of the said lands and other property be fixed at not more than the sum of six thousand dollars each year for a period of twenty years to be computed from the first day of January, 1907;

And whereas it appears expedient to accede to said request, be it therefore enacted by the municipal council of the corporation of the Township of York,

1. That all and singular those certain parcels or tracts of land and premises owned by the said company situate, lying and being in the Township of York and Province of Ontario, and being on the east side of Bathurst street and west side of Albany avenue, and described as lots six and seven in block "W" according to plan registered in the registry office for the County of York as No. 362; together with all buildings, stock-in-trade, plant, machinery, fixtures and materials now or hereafter thereon or therein and all other personal and other assessable property of the said company for a period of twenty years to be computed from the first day of January, A.D. 1907, shall be annually assessed for all purposes, en bloc, at the sum of six thousand dollars and no more as a fixed assessment, exclusive of business tax in respect of the said business, and the said lands, premises and property shall be for such time exempt from any special assessment for any improvements or works of that class of improvements or works where the cost thereof or any part thereof is or would otherwise be charged against the lands specially benefited thereby, except in respect of any local improvement rates heretofore assessed against the said lands.

2. In case any part or parts of said lands be used for the purpose of dwelling houses, or for any purposes not connected with the business of the company, such part or parts when and so long as used for such purposes shall be assessable as if this by-law had not been passed, and in the event of the destruction of the said buildings or property, or any part thereof, so that the value of the same with the said lands and other property shall not be equal to the said sum of six thousand dollars, the assessment shall be made while such value is under six thousand dollars as if this by-law had not been passed.

3. The assessors and other officers making such assessment are hereby authorized and required to so make their assessments and returns as to conform to the provisions of this by-law.

4. Application shall be made at the cost and expense of the said company by the said company, or by the said corporation to the Legislature of the Province of Ontario to confirm this by-law and to carry the provisions thereof into effect, and if such application be made by the said company the said municipal corporation will give its consent thereto.

5. On such legislation being obtained this by-law shall come into effect.

Passed 17th December, 1906.

(Seal)

GEO. SYME,
Reeve.

(Seal)

W. A. CLARKE,
Clerk.

SCHEDULE "B."

BY-LAW No. 2054.

A by-law providing that the assessment of the land and property hereinafter described may be fixed at \$38,000 per annum, for a period of twenty years.

Whereas The Toronto Bolt and Forging Company, Limited, has by its petition represented that the said company is now seized of the lands and premises hereinafter described, and that a large sum of money has been and will be expended by the said company upon the said lands in erecting buildings thereon and in installing therein the necessary machinery and plant for the purposes of the business there carried on by it;

And whereas the said company has by its said petition requested that a by-law be passed providing that the annual assessment of the said lands and other property be fixed at not more than the sum of thirty-eight thousand dollars each year for a period of twenty years, to be computed from the first day of January, 1907;

And whereas it appears expedient to accede to said request;

Be it therefore enacted by the municipal council of the corporation of the Township of York,

1. That all and singular those certain parcels or tracts of land and premises owned by the said company situate, lying and being in the Township of York and Province of Ontario, and being, firstly, that part of lot thirty-nine in the broken front concession of the Township of York in the County of York, lying between the right of way of the Grand Trunk Railway on the south and the road allowance between the broken front and the first concessions on the north and between Windermere avenue on the east, being parts of lots one and two according to plan 20 of record in the Department of Crown Lands; commencing at the intersection of the westerly side of Windermere avenue with the northerly side of the Grand Trunk Railway Company's property, thence north twenty-seven degrees forty-two minutes west along the westerly side of Windermere avenue one hundred and fifty feet, thence north thirty-six degrees twenty-four minutes west still along the westerly side of Windermere avenue two hundred and eighty-four feet seven inches more or less to the southerly side of the road allowance between the broken front and first concessions before mentioned, as defined by P. S. Gibson's survey; thence south seventy-four degrees west along the southerly limit of said road allowance eight hundred feet; thence south thirty-four degrees thirty minutes east five hundred and seventy-nine feet more or less to the northerly limit of the right of way of the Grand Trunk Railway property before mentioned; thence easterly along the last mentioned boundary seven hundred and fifty feet more or less to the place of beginning, containing eight acres more or less, saving and excepting thereout and therefrom a curved strip of land at the south-western portion of the herein described premises used as a right of way for the Toronto Belt Line Railway. Secondly, parts of lots thirty-eight and thirty-nine in the broken front concessions of the Township of York, being a triangular piece of land on the north-east corner of the intersection of the Grand Trunk Railway property and Windermere avenue containing fifty-seven hundredths of an acre, commencing at the intersection of the

the easterly side of Windermere avenue with the northerly side of the Grand Trunk Railway property; thence north twenty-seven degrees and forty-two minutes west along the easterly side of Windermere avenue one hundred and sixty feet; thence north eighty-eight degrees and five minutes east three hundred and fifty-eight feet more or less to the northerly side of the Grand Trunk Railway property before mentioned; thence southerly sixty-two degrees forty minutes west along the northerly side of the Grand Trunk Railway property three hundred and ten feet more or less to the place of beginning, together with all buildings, stock-in-trade, plant, machinery, fixtures and materials and other assessable property of the said company for a period of twenty years, to be computed from the first day of January, A.D. 1907, shall be annually assessed for all purposes en bloc at the sum of thirty-eight thousand dollars and no more as a fixed assessment, inclusive of the business tax in respect of the said business, and the said lands, premises and property shall be for such time exempt from any special assessment for any improvements or works of that class of improvements or works where the cost thereof or any part thereof is or would otherwise be charged against the lands specially benefited thereby, except in respect of any local improvement rates heretofore assessed against the said lands.

2. In case any part or parts of said lands be used for the purpose of dwelling houses or for any purposes not connected with the business of the company, such part or parts when and so long as used for such purposes shall be assessable as if this by-law had not been passed, and in the event of the destruction of the said buildings or property or any part thereof so that the value of the same with the said lands and other property shall not be equal to the said sum of thirty-eight thousand dollars, the assessment shall be made while such value is under thirty-eight thousand dollars, as if this by-law had not been passed.

3. The assessors and other officers making such assessment are hereby authorized and required to so make their assessments and returns as to conform to the provisions of this by-law.

4. Application shall be made at the cost and expense of the said company by the said company or by the said corporation to the Legislature of the Province of Ontario to confirm this by-law and to carry the provisions thereof into effect, and if such application be made by the said company the said municipal corporation will give its consent thereto.

5. On such legislation being obtained this by-law shall come into effect.

Passed 17th December, A.D. 1906.

(Seal)

GEO. SYME,
Reeve.

(Seal)

W. A. CLARKE,
Clerk.

SCHEDULE "C."

BY-LAW No. 2064.

A by-law providing that the assessment of the land and property hereinafter described may be fixed at \$8,000 per annum for a period of twenty years.

Whereas the firm of J. E. Edwards & Sons, of the Township and County of York, have by their petition represented that their said firm are now seized of the lands and premises hereinafter described and that a large sum of money has been and will be expended by the said firm upon the said lands in erecting buildings thereon and in installing therein the necessary machinery and plant for the purposes of the business there carried on under the name, style and firm of "J. E. Edwards & Sons;"

And

And whereas the said firm have by their said petition requested that a by-law be passed providing that the annual assessment of the said lands and other property be fixed at not more than the sum of eight thousand dollars each year for a period of twenty years, to be computed from the first day of January, 1907;

And whereas on the 3rd day of December, A.D. 1906, the municipal corporation of the Township of York did pass a by-law granting the prayer of the said petition and fixing the assessment of the land and property in said by-law described at the sum of \$8,000 per annum for twenty years from the first day of January, 1907;

And whereas the lands intended to be included in said by-law were in said by-law incorrectly described, and in order to correct the same the said council have repealed the said by-law and intend to and do substitute this by-law therefor.

Be it therefore enacted by the municipal council of the corporation of the Township of York,

1. That all and singular those certain parcels or tracts of land and premises owned by the said firm situate, lying and being in the Township of York and Province of Ontario, containing by admeasurement three acres of land more or less, and being parts of lots 21, 22, 23, 32, 33 and 34, all according to plan registered in the registry office for the County of York as No. 119, and which said property is more particularly described as being that part of said lots bounded on the north by the southerly limit of Albert street, on the east by the westerly limit of Manning avenue, on the south by the northerly limit of plan 945 and on the west by the easterly limit of Christie street, together with all buildings, stock-in-trade, plant, machinery, fixtures and materials, now or hereafter thereon or therein, and all other personal and other assessable property of the said firm for a period of twenty years, to be computed from the first day of January, A.D. 1907, shall be annually assessed for all purposes *en bloc* at the sum of eight thousand dollars and no more as a fixed assessment exclusive of business tax in respect of the said business, and the said lands, premises and property shall be for such time exempt from any special assessment for any improvements or works of that class of improvements, or works where the cost thereof, or any part thereof, is or would otherwise be charged against the lands specially benefited thereby, except in respect of any local improvement rates heretofore assessed against the said lands.

2. In case any part or parts of said lands be used for the purpose of dwelling houses or for any purposes not connected with the business of the company, such part or parts when and so long as used for such purposes shall be assessable as if this by-law had not been passed, and in the event of the destruction of the said buildings or property or any part thereof so that the value of the same with the said lands and other property shall not be equal to the said sum of eight thousand dollars the assessment shall be made while such value is under eight thousand dollars as if this by-law had not been passed.

3. The assessors and other officers making such assessment are hereby authorized and required to so make their assessments and returns as to conform to the provisions of this by-law.

4. Application shall be made at the cost and expense of the said firm by the said firm or by the said corporation to the Legislature of the Province of Ontario to confirm this by-law and to carry the provisions thereof into effect, and if such application be made by the said firm the said municipal corporation will give its consent thereto.

5. On such legislation being obtained this by-law shall come into effect.

Passed the 4th day of February, A.D. 1907.

"GEO. S. HENRY,"
Reeve.

"W. A. CLARKE,"
Clerk.

(Seal)

CHAPTER

CHAPTER 99.

An Act respecting The Hamilton, Grimsby and Beamsville Electric Railway Company.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Hamilton, Grimsby and Beamsville Electric Railway Company was incorporated by an Act passed in the 55th year of Her late Majesty's reign, Chaptered 95, and has by petition represented that the company has constructed a railway from the City of Hamilton to the Village of Beamsville, and has been for several years operating the same; and that by an Act passed in the first year of the reign of His Majesty, Chaptered 80, intituled *An Act to amend the Act incorporating the Hamilton, Grimsby and Beamsville Electric Railway Company*, the company was authorized to extend its line of railway from a point at or near its then terminus in the Village of Beamsville through the Townships of Clinton, Louth and Grantham to a point in or near the City of St. Catharines and to extend the same from a point in or near the said City of St. Catharines and through the Townships of Grantham and Niagara to a point in or near Niagara-on-the-Lake, and to further extend the same from a point in or near the said City of St. Catharines through the Townships of Grantham, Niagara, Thorold and Stamford to a point in or near the Town of Niagara Falls, with single or double tracks and with all necessary branches, side-tracks and turnouts for the passage of cars, carriages and other vehicles; and whereas pursuant to the provisions of the last mentioned Act the company extended its line of railway four or five miles easterly from Beamsville to a locality called "Vineland," but in view of the unsatisfactory location of the line and the litigation threatened by the property owners adjoining the roadway on which the line was constructed and the unsuitability of the said extended portion of the line for use as a through line to St. Catharines, and further by reason of the fact that the operation of the said extension was a source of loss to the company instead of profit, the same has been abandoned and the

the rails and ties over part of the said extension have been taken up; and whereas the company is desirous nevertheless of extending its line of railway to the City of St. Catharines and thence to Niagara River, as in the said last mentioned Act provided, adopting a route by private right of way which engineers have approved of as being greatly preferable to a location of the said line along the roadway to "Vineland" as aforesaid; and whereas the time within which the said extensions were to be completed has expired, and the company has by its petition asked for an extension of the time for the completion thereof and has also asked to be specially empowered to enter into an agreement with the Corporation of the City of St. Catharines or any other railway company respecting the construction of a bridge over the old Welland canal at St. Catharines and has also asked for special bonding powers in connection therewith as well as an increase of the company's bonding powers as to said extensions; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of the Act passed in the first year of His Majesty's reign, Chaptered 80, is hereby repealed, and the time for completing the construction and equipment of an extension of the said company's line of railway from a point at or near its present terminus in the Village of Beamsville, to a point on the easterly side of the old Welland Canal, in the City of St. Catharines, is hereby extended for a period of two years from the 1st day of January, 1908, and the time for completing the construction and equipment of the further extensions thereof from the City of St. Catharines to Niagara-on-the-Lake, and to the Town of Niagara Falls as provided by the said Act is hereby extended for a period of three years from the passing of this Act, but subject to the provisions of the said Act passed in the first year of His Majesty's reign, Chaptered 80.

1 Edw. VII.,
c. 80, s. 6
repealed.,
Time for com-
pleting ex-
tensions.

2. The said company may enter into an agreement or agreements with the Corporation of the City of St. Catharines or with any other railway company or companies respecting the construction of a bridge over the old Welland canal, either for joint ownership or joint user thereof on a rental basis or otherwise and the said company is hereby authorized to issue bonds in respect of the construction of that portion of said bridge constructed by the said company to the amount of seventy-five per cent. of the cost thereof.

Agreement for
construction of
abridge over
old Welland
Canal.

Bonding
powers.

3. The company may issue bonds, debentures or other securities to the extent of \$30,000 per mile of railway constructed under the extensions hereby granted.

Pending
litigation.

4. Nothing in this Act contained shall affect any action, matter or other proceeding, but every such action, matter or other proceeding may be proceeded with, and shall be determined in the same manner as if this Act had not been passed.

Application of
6 Edw. VII.,
c. 30.

5. *The Ontario Railway Act, 1906*, except when inconsistent with the provisions of this Act, and the provisions of the Act passed in the 55th year of the reign of Her late Majesty Queen Victoria, Chaptered 95, and of the Act passed in the 60th year of the said reign, Chaptered 87, and of the Act passed in the 1st year of His Majesty's reign, Chaptered 80, and of the Act passed in the 4th year of the said reign, Chaptered 76, shall apply to the said company, and the railway constructed by it.

CHAPTER 100.

An Act respecting the Huntsville and Lake of Bays
Railway Company.*Assented to 20th April, 1907.*

WHEREAS by an Act passed in the 63rd year of Her Preamble.
late Majesty's reign, Chaptered 113, intituled *An Act to incorporate The Huntsville and Lake of Bays Railway Company*, George F. Marsh and others were incorporated as a company for the purposes of constructing and operating a railway; and whereas by an Act passed in the 3rd year of His Majesty's reign, Chaptered 97, intituled *An Act respecting The Huntsville and Lake of Bays Railway Company*, the above mentioned Act was revived and the time for the commencement and completion of the construction of said railway was extended; and whereas the construction of the first section of said railway, that is to say, from the north end of Lake of Bays to the south end of Peninsula Lake has been duly completed and put in operation; and whereas doubts have arisen as to certain omissions of the board of provisional directors in respect of due compliance with the provisions of the said Act of incorporation and the company are desirous that such doubts should be removed; and whereas the said company have, by their petition, prayed that an Act may be passed reviving the said Act of incorporation and appointing a new board of provisional directors and amending the said Act of incorporation in the manner hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the 63rd year of Her late Majesty's reign, Chaptered 113, intituled *An Act to incorporate The Huntsville and Lake of Bays Railway Company*, is hereby revived and the said The Huntsville and Lake of Bays Railway Company is declared to be and to have been, from the date

63 V. c. 113,
incorporating
Huntsville and
Lake of Bays
Railway Co.
revived.

date of the passing of the said Act, an existing corporation as incorporated by and subject to the provisions of the said Act of incorporation, and of any Act since passed affecting or respecting the said company.

63 V. c. 113, s. 4,
repealed.

2. Section 4 of the said Act is hereby repealed and the following substituted therefor:—

Provisional
directors.

4. Charles O. Shaw, Silas H. Jacobs, John McKee, H. Foster Chaffee, William J. Moore, John Whitesides and John J. McNeil, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Provisions of
6 Edw. VII.
c. 30 to apply.

3. All the provisions of *The Ontario Railway Act, 1906*, shall apply to the said company and the railway constructed, or to be constructed, under the said Act passed in the 63rd year of Her late Majesty's reign, as amended by this Act.

CHAPTER 101.

An Act respecting The Nepigon Railway Company.

Assented to 20th April, 1907.

WHEREAS the Nepigon Railway Company has by petition set forth that by an Act passed in the sixty-second year of Her Majesty Queen Victoria's reign, and Chaptered 98, the said company was incorporated; that the said Act was amended by an Act passed in the second year of His Majesty's reign, and Chaptered 85, and the time for the commencement of the company's railway was fixed at three years, and the time for completion thereof at five years from the day of the passing of the last mentioned Act; that the said railway was commenced within the time so fixed, but has not yet been finally completed; that the said Acts were further amended by the Act passed in the fourth year of His Majesty's reign, and Chaptered 83, which said last mentioned Act did not alter the time fixed for the commencement and completion of the said railway; that the company desires that the time for completion of its said railway may be extended; that the petitioners desire power to enter into agreements for any of the purposes mentioned in section 58 of *The Ontario Railway Act, 1906*, with the Canadian Northern Ontario Railway Company, and to lease to the last named company its lines, or leased lines, or any of them and to give the said company running powers thereover; and whereas the said company has by its petition prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Nepigon Railway Company Act, 1907*." Title of Act.

2. The lines of railway authorized to be constructed by The Nepigon Railway Company shall be completed within Time for completion.
five

five years from the day of the passing of this Act, and section 6 of the said Act passed in the 2nd year of His Majesty's reign, Chaptered 85, is repealed.

Agreement
with C. N. R.
Co., author-
ized.

3. The Nepigon Railway Company may, subject to subsection 3 of section 58 of *The Ontario Railway Act, 1906*, enter into agreements for any of the purposes mentioned in said section 58 of the said Ontario Railway Act, with The Canadian Northern Ontario Railway Company, and may lease to the last named company its lines or leased lines, or any of them, and may give the said company running powers thereover.

Time for
earning subsidy
not extended.

4. The time for earning the subsidy granted by subsection 9 of section 1 of the Act passed in the 2nd year of His Majesty's reign, Chaptered 25, shall not be extended by reason of the passing of this Act.

Application of
6 Edw. VII.,
c. 30.

5. *The Ontario Railway Act, 1906*, shall apply to the said The Nepigon Railway Company, and the railway constructed by the said company.

CHAPTER 102.

An Act to incorporate The Niagara Peninsular
Railway Company.*Assented to 20th April, 1907.*

WHEREAS the Canadian Portland Cement Company, Limited, and Wilmot Deloui Matthews, Manufacturer; Michael John Haney, Contractor; Roger O'Connor Miller, Contractor; Francis Gamble Bingham Allan, Manufacturer, and Thomas Gibson, Barrister, all of the City of Toronto, have by their petition represented that The Canadian Portland Cement Company, Limited, has acquired certain properties in the Townships of Wainfleet and Humberstone, upon which it proposes to build and erect a plant for the manufacture of cement, and that said company is desirous of constructing and operating a railway in the said Townships of Humberstone and Wainfleet and in the said Village of Port Colborne, to be used in connection with said cement plant; and whereas said petitioners have by their petition prayed for an Act of incorporation for the purpose of constructing and operating by steam or electricity or other motive power a line of railway from a point on the western bank of the Welland Canal in the Village of Port Colborne, thence westerly through the Village of Port Colborne and through lots Nos. 27, 28, 29, 30, 31, 32 and 33 of the said township of Humberstone and westerly through lots Nos. 1, 2, 3, 4, 5 and 6 of the said Township of Wainfleet and from a point on said line northeasterly, a distance of about two and three-quarter miles in the said Township of Humberstone; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Wilmot Deloui Matthews, Michael John Haney, Roger O'Connor Miller, Francis Gamble Bingham Allan and Thomas Gibson, and such other persons, firms and corporations as shall hereafter be shareholders of

said company, are hereby constituted a body corporate and politic under the name of "The Niagara Peninsular Railway Company," hereinafter called the "company."

Location of line.

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, acquire, operate, equip, maintain, alter and keep in repair a railway to be operated by steam or electricity or other motive power, for the purpose of conveying freight to and from the premises of The Canadian Portland Cement Company, Limited, and subsidiary companies in the County of Welland, from a point on the western bank of the Welland Canal, in the Village of Port Colborne, thence westerly through lots numbers twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three of the said Township of Humberstone, and through lots numbers one, two, three, four, five and six of the said Township of Wainfleet, and from a point on the said line of railway northeasterly, a distance of about two and three-quarter miles in the said Township of Humberstone, and to construct the bridges and works necessary for the construction and operation of the said railway.

Provisional directors.

3. The said Wilmot Deloui Matthews, Michael John Haney, Roger O'Connor Miller, Francis Gamble Bingham Allan and Thomas Gibson shall be the provisional directors of the company.

Head office.

4. The head office of the company shall be at the City of Toronto or such other place as duly authorized.

Capital stock.

5. The capital stock of the company shall be \$50,000, divided into 500 shares of the par value of \$100 each.

Number of directors.

6. The board of directors of the company shall consist of five persons.

Connections with other railways.

7. The board of directors of the company shall have power to enter into agreements for connecting the company's railway with and for crossing other lines of railway passing through said Townships of Wainfleet and Humberstone and said Village of Port Colborne.

Form of conveyance of land.
6 Edw. VII.
c. 30.

8. Conveyances of land to the company may be made in the form authorized by section 258 of *The Ontario Railway Act, 1906*, and Schedule "B" to the said Act, and shall have the same force and effect and be subject to the same provisions as to registration and otherwise as conveyances to railway companies under said section 258.

9. In case the council of any municipality through which the said railway passes declares that it is desirable and expedient that the company should have powers of expropriation for the purpose of securing within the limits of the municipality the necessary right of way for that purpose as set forth in the by-law and if The Ontario Railway and Municipal Board certifies that the building of the proposed railway across the lands described in the by-law is necessary and expedient the company, upon the registration of the by-law and certificate in the proper registry office, shall in respect of the lands described in the by-law possess the powers of expropriation conferred by *The Ontario Railway Act, 1906*, provided that no such by-law shall be passed by the council of any municipality until all owners of lands across which the proposed railway is to run have had at least one week's previous notice in writing of the time when such by-law is to be considered by the council.

Powers of expropriation when company may exercise.

6 Edw. VII. c. 30.

10. The company shall have the powers conferred upon a railway company by subsections 1 to 6 and 9 to 15 of section 51 of *The Ontario Railway Act, 1906*, and sections 90 to 97 and 169 of the said Act shall apply to the company, but save as aforesaid the said Act shall not apply to the company hereby incorporated.

Application of certain sections of 6 Edw. VII. c. 30.

11. The provisions of *The Ontario Companies' Act* shall apply to the company except in so far as the provisions of this Act are inconsistent therewith.

Application of provisions of Rev. Stat. c. 191.

CHAPTER 103.

An Act to Incorporate Ontario Interurban
Railway Company.*Assented to 20th April, 1907.*

Preamble.

WHEREAS William Pettit Niles, of the Village of Wellington, in the County of Prince Edward, Merchant, Herbert Wilson Bedell, of the Township of Hallowell, in the County of Prince Edward, Contractor, George Matherson Farrington, of the Town of Picton, in the County of Prince Edward, Merchant, Abram Baker Saylor, of the Village of Bloomfield, in the County of Prince Edward, Manufacturer, Robert Addison Norman, of the Town of Picton, in the County of Prince Edward, Gentleman, Freeman Talcott, of the Township of Hallowell, in the County of Prince Edward, Farmer, Louis Phillips Hubbs, of the Township of Hillier, in the County of Prince Edward, Farmer, Henry Davidson Cleminson, of the Village of Wellington, in the County of Prince Edward, Merchant, William Henry Cotter Roblin, of the Township of Ameliasburg, in the County of Prince Edward, Miller, and James Macdonald, of the Village of Wellington, in the County of Prince Edward, Farmer, have by their petition prayed for an Act of incorporation under the name of "Ontario Interurban Railway Company" for the purpose of constructing, maintaining and operating by electricity or other motive power, a railway starting from some point in or near the City of Belleville, in the County of Hastings, thence southerly by a bridge across the Bay of Quinte to a point in the Township of Ameliasburg, in the County of Prince Edward, opposite or nearly opposite the said City of Belleville, thence westerly and southerly through the Townships of Ameliasburg and Hillier to the Village of Wellington; also through the Village of Wellington, the Township of Hallowell and the Village of Bloomfield and through the Town of Picton to Picton Bay; also a branch line from some point on the main line between the City of Belleville, and the Village of Wellington to the Village of Consecon and Wellers Bay, also a branch line along or near the beach between the

Village

Village of Wellington and West Point, to or near West Point connecting with the main line; and whereas the said petitioners have also prayed that the said company when incorporated may be granted and may have, use and enjoy all the rights, powers and privileges granted to and used and enjoyed by companies incorporated by letters patent under the provisions of *The Act respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Light, Heat and Power*; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat.,
c. 200.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said William Pettit Niles, Herbert Wilson Be-
dell, George Matherson Farrington, Abram Barker Say-
lor, Robert Addison Norman, Freeman Talcott, Louis
Phillips Hubbs, Henry Davidson Cleminson, William
Henry Cotter Roblin, and James Macdonald, together
with such other persons as become shareholders in the
Company are hereby constituted a body corporate and poli-
tic under the name of "Ontario Interurban Railway Com-
pany," hereinafter called the Company.

Incorporation

2. The persons named in section 1 of this Act are con-
stituted provisional directors of the Company.

Provisional
directors.

3. The capital stock of the Company shall be \$200,000.

Capital stock.

4. The head office of the Company shall be at the Vil-
lage of Wellington, in the County of Prince Edward.

Head office.

5. The annual meeting of the shareholders shall be held
on the first Wednesday in February, in each year.

Annual
meeting.

6. The board of directors of the Company shall consist
of not less than five and not more than ten persons.

Board of
directors.

7. The Company may lay out, construct, maintain and
operate by electricity, or other motive power, a railway
from a point in or near the City of Belleville, in the Coun-
ty of Hastings, and from thence southerly by a bridge
across the Bay of Quinte to a point in the Township of
Ameliasburg, in the County of Prince Edward, opposite
or nearly opposite the said City of Belleville; thence west-
erly and southerly through the Townships of Ameliasburg
and Hillier to the Village of Wellington, also through the
Village of Wellington and the Township of Hallowell and
the Village of Bloomfield to and through the Town of
Picton to Picton Bay, also a branch line from some point
on the main line between the City of Belleville and the

Location
of line.

Village

Village of Wellington to the Village of Consecon and Wellers Bay; also a branch line along or near the beach between the Village of Wellington and West Point, to or near West Point, connecting with the main line.

Application of
provisions of
Rev. Stat.
c. 200.

8.—(1) The Company shall have, use and enjoy all the rights, powers and privileges granted to and conferred upon companies incorporated by letters patent under the provisions of *The Act respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas, for Light, Heat and Power*, but the powers conferred by this section shall not be exercised after the expiration of the time limited for the construction of the railway unless at least ten miles of the said railway are within that period constructed and in operation.

(2) The Company shall not supply steam, heat, electricity or natural gas in any municipality except under a by-law passed by the council of the municipality or under an agreement entered into with the municipal corporation and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by "The Ontario Railway and Municipal Board."

(3) The rates chargeable by the Company for supplying steam, heat, electricity or natural gas shall at all times be subject to the supervision of "The Ontario Railway and Municipal Board," and upon the complaint in writing of any municipal corporation, company, or person that the Company is charging rates which are excessive or unfair or is unjustly discriminating against or in favour of any municipal corporation, company or person, the chairman of the Board may appoint a time and place at which the Board or some member thereof will hear and determine the matter in dispute.

(4) Such notice of such appointment as the chairman may direct shall be given by the secretary of the Board to all parties concerned. At the time and place appointed the Board, or with the consent of all parties any member of the Board, shall hear and determine the matter in dispute and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the Company and directing the amendment of any by-law or agreement accordingly.

(5) The Board or the member thereof conducting the hearing shall have and may exercise any of the powers conferred upon the Board by *The Ontario Railway and Municipal Board Act, 1906*.

(6) If the Company neglects or refuses to obey and carry out the order or direction of the Board or the member

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ber thereof conducting such case it shall forfeit to His Majesty for the uses of the Province the sum of \$100 for every day during which such refusal or neglect shall continue.

9. The Company may issue bonds, debentures or other securities to the extent of \$25,000 per mile of the railway. Issue of bonds.

10. Save as herein otherwise provided *The Ontario Railway Act, 1906*, shall apply to the said Company and the railway to be constructed under this Act. Application of provisions of 6 Edward VII, c. 30.

CHAPTER 104.

An Act respecting The Ottawa River Railway Company.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Ottawa River Railway Company, incorporated by an Act passed in the fourth year of His Majesty's reign, Chaptered 85, and amended by the Act passed in the fifth year of His Majesty's reign, Chaptered 103, hereinafter called "the company," has, by its petition, prayed for the passing of an Act to authorize the company to construct a branch line of railway from a point in the Township of Digby, in the County of Victoria, to a point in the Township of Mara or Thorah, in the County of Ontario; also a branch line of railway from a point on the Toronto Branch, in the Township of East Gwillimbury or Whitechurch, in the County of York, to a point on the Orillia and Port Stanley Branch, in the Township of Caledon, in the County of Peel, and also to extend the time within which the company is to construct its lines and branches; and whereas subject as hereinafter provided it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to build certain branch lines.

1. The company may build a branch line of railway from a point on its main line of railway, in the Township of Digby, in the County of Victoria, passing through the Townships of Laxton and Carden, in the said county, to a point in the Township of Mara or Thorah, in the County of Ontario; and also a branch line of railway from a point on the Toronto Branch in the Township of East Gwillimbury or Whitechurch, passing through the Township of King, in the County of York, and the Township of Albion, in the County of Peel, to a point on the Orillia and Port Stanley Branch in the County of Peel.

2. The railways authorized to be constructed by the company shall be completed within five years from the passing of this Act, and section 53 of the said Act passed in the 4th year of His Majesty's reign, Chaptered 85, and section 3 of the Act passed in the 5th year of His Majesty's reign, Chaptered 103, are repealed.

Time for completion of lines.

3. *The Ontario Railway Act, 1906*, shall apply to the said company and to the railways to be constructed by it.

Application of
6 Edw. VII.,
c. 30.

CHAPTER 105.

An Act to incorporate The Owen Sound, Shallow Lake and Wiarton Railway Company.

Assented to 20th April, 1907.

Preamble

WHEREAS John M. Telford, of the Town of Owen Sound, in the County of Grey, Solicitor, Melville Scott, of the said Town of Owen Sound, Accountant, and Adolf G. Larsson, of the said Town of Owen Sound, Chemist, have by their petition prayed for an Act of incorporation under the name of "The Owen Sound, Shallow Lake and Wiarton Railway Company" for the purpose of constructing and operating a railway from some point at and through the Town of Owen Sound, in the County of Grey, through the Township of Sarawak, the Village of Shallow Lake and the Township of Keppel to some point in or to the Town of Wiarton, in the County of Bruce; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said John M. Telford, Melville Scott and Adolf G. Larsson, and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Owen Sound, Shallow Lake and Wiarton Railway Company."

Location of line.

2. The said company is hereby authorized and empowered to lay out and construct and operate by steam, electricity, or other motive power a railway with the necessary side-tracks, switches and turnouts from some point in the Town of Owen Sound and passing through the Town of Owen Sound, in the County of Grey, and through the Townships of Sarawak and Keppel and the Village of Shallow Lake, in the Township of Keppel, in or to some point in the Town of Wiarton, in the County of Bruce.

3. The said John M. Telford, Melville Scott, Adolf G. Larsson and Henry M. Rumball, of the City of London, Gentleman, and Maxwell D. Fraser, Solicitor, and James P. Moore, solicitor, both of the said City of London, shall be and are hereby constituted a board of provisional directors of the said company.

4. The head office of the said company shall be at the Town of Owen Sound, in the County of Grey.

5. The capital stock of the said company shall be \$500,000.

6. The board of directors of the said company shall consist of not less than five and not more than nine persons.

7. The issue of bonds, debentures or other securities by the said company shall not exceed \$25,000 per mile of the railway.

8. The provisions of *The Ontario Railway Act, 1906*, shall apply to the said company and the railway to be constructed under this Act.

CHAPTER 106.

An Act respecting The Pembroke Southern Railway Company.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Pembroke Southern Railway Company was incorporated by an Act passed in the 56th year of the reign of Her late Majesty Queen Victoria, Chaptered 96, intituled *An Act to incorporate the Pembroke Southern Railway Company*, and by said Act was authorized and empowered, among other things, to contract and agree with the Ottawa, Arnprior and Parry Sound Railway Company for an amalgamation with the said company; and whereas by deed of amalgamation confirmed and made valid and binding by chapter 81 of the Statutes of Canada, 1899, the said Ottawa, Arnprior and Parry Sound Railway Company and the Canada Atlantic Railway Company became amalgamated under the name of The Canada Atlantic Railway Company; and whereas doubts have arisen as to whether the Act incorporating the Pembroke Southern Railway Company authorizes the said company to enter into an agreement for amalgamation with the said Canada Atlantic Railway Company; and whereas it is desirable to remove such doubts; and whereas the Pembroke Southern Railway Company is desirous of entering into an agreement for amalgamation with the said Canada Atlantic Railway Company or with the Grand Trunk Railway Company of Canada, as may be determined; and whereas the Pembroke Southern Railway Company has by its petition prayed that an Act may be passed for the purposes aforesaid; and whereas it is desirable to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement for
sale to or
amalgamation
with Can.
Atlantic or
G.T.R. Co.

1. The Pembroke Southern Railway Company, hereinafter called "the company," shall have the power to enter into an agreement with the Canada Atlantic Railway Company

pany or the Grand Trunk Railway Company of Canada if lawfully authorized to enter into such an agreement for the sale or leasing to either of the said companies of the railway and undertaking of the company in whole or in part, or for amalgamation with either of the said companies, and any such agreement entered into under the authority of and in accordance with the provisions of this Act shall be valid and binding in all respects and effectual for all the purposes thereof; provided that no such agreement shall be of any force or validity unless first authorized by resolution passed by vote of the shareholders in person or by proxy representing two-thirds in value of the subscribed capital stock, at a general meeting specially called for that purpose; provided further that no such agreement shall be of any force or effect until approved of by resolution of "The Ontario Railway and Municipal Board."

2. Any such agreement for sale or amalgamation shall contain a provision that all shareholders of "the company" shall be entitled to receive shares of the amalgamated company to an amount equal to the value of the shares of "the company" held by them respectively at the date of such agreement, and in the event of disagreement as to such value the same shall be determined by "The Ontario Railway and Municipal Board" upon an application for that purpose.

Right of present shareholders to receive share in "amalgamated company."

3. The amalgamated company shall, after the completion of such amalgamation, have all the rights, powers and privileges and become vested with all the franchises, assets and properties and be subject to all the obligations and liabilities of the companies so amalgamated, and such amalgamation shall not in any wise affect any suit or proceeding now pending or judgment existing either by or in favour of or against the said companies, but notwithstanding such amalgamation, such suit, proceeding or judgment may be prosecuted, continued, completed and enforced, as the case may be, by or against the amalgamated company, and in any pending suits or proceedings the name of the amalgamated company may be substituted for that of either of the companies so amalgamated.

Rights, powers, etc., of amalgamated Co.

4. Nothing in this Act contained shall be construed as conferring upon the Grand Trunk Railway Company of Canada or the Canada Atlantic Railway Company any power not already otherwise conferred upon the said companies or either of them.

Powers of G.T.R. or Can. Atlantic Ry. Co. not increased.

5. "The Ontario Railway and Municipal Board," upon receiving instructions in that behalf from the Lieutenant-Governor in Council, and the officers, agents and servants of

Crown may use right of way for the transmission of power to municipalities.

of the Board, may at all times enter upon the right of way of the company and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred, except under and subject to any agreement which may be entered into between the Lieutenant-Governor in Council and the company; provided also, that notwithstanding anything in this Act contained, the provisions of this section, in the event of the company entering into an agreement for amalgamation, apply only to the right of way of the company.

CHAPTER 107.

An Act respecting The Petrolea Rapid Railway Company.

Assented to 20th April, 1907.

WHEREAS The Petrolea Rapid Railway Company, Preamble. hereinafter called "the company," is, under an Act incorporating and relating to the company, being Chapter 92 of the Acts passed in the second year of the reign of His Majesty King Edward VII., as amended by Chapter 110 of the Acts passed in the third year of the reign of His Majesty King Edward VII., authorized and empowered to construct and operate an electric railway in and through certain municipalities mentioned in the said Acts; and whereas the company has by its petition prayed that an Act may be passed to authorize and empower the said company to extend its line of railway from (a) the Town of Petrolea, in the County of Lambton, to the City of London, in the County of Middlesex, passing through the Townships of Enniskillen, Brooke and Warwick, in the said County of Lambton; the Townships of Metcalfe, Adelaide, Caradoc, Lobo, Delaware, London and Westminster, in the County of Middlesex; the Village of Watford, in the said County of Lambton, and the Town of Strathroy, in the said County of Middlesex, or any of the said municipalities, from (b) the unincorporated Village of Brigden, in the said County of Lambton, to the Town of Wallaceburg, in the County of Kent, passing through the Townships of Moore and Sombra, in the said County of Lambton, and the Gore of Chatham, in the said County of Kent, and (c) from the unincorporated Village of Courtright, in the said County of Lambton, to the said Town of Wallaceburg, passing through the said Townships of Moore, Sombra and the Gore of Chatham, and to extend the time limited for the building and completion of its line of railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

2 Edw. VII.
c. 92, s. 2,
amended.

1. Section 2 of Chapter 92 of the Acts passed in the second year of His Majesty's reign, and intituled *An Act to incorporate The Petrolea Rapid Railway Company*, as amended by section 1 of chapter 110 of the Acts passed in the third year of His Majesty's reign, and intituled *An Act respecting The Petrolea Rapid Railway Company*, is hereby amended by inserting immediately after the word "Sarnia" in the twenty-eighth line of said section 1, as amended as aforesaid, the following words: "From (a) the Town of Petrolea, in the County of Lambton, to the City of London, in the County of Middlesex, passing through the Townships of Enniskillen, Brooke and Warwick in the said County of Lambton; the Townships of Metcalfe, Adelaide, Caradoc, Lobo, Delaware, London and Westminster, in the County of Middlesex; the Village of Watford, in the said County of Lambton, and the Town of Strathroy, in the said County of Middlesex, or any of the said municipalities, from (b) the unincorporated Village of Brigden, in the said County of Lambton, to the Town of Wallaceburg, in the County of Kent, passing through the Townships of Moore and Sombra, in the said County of Lambton, and the Gore of Chatham, in the said County of Kent, and (c) from the unincorporated Village of Courtright, in the said County of Lambton, to the said Town of Wallaceburg, passing through the said Townships of Moore, Sombra and the Gore of Chatham.

2 Edw. VII.
c. 92, s. 26.

2. Section 26 of Chapter 92 of the Acts passed in the second year of His Majesty's reign is repealed, and subject to the provisions hereinafter contained the company's said Act of Incorporation is declared to be and to have continued in force in the same manner as if the said section had not been enacted.

Commence-
ment and com-
pletion of
railway.

3. The said railway shall be commenced within two years and put into operation within five years after the passing of this Act, and in default thereof the powers conferred upon the company shall absolutely cease with respect to so much of the railway as then remains uncompleted. If the construction of the railway is not commenced within two years after the passing of this Act, and if the whole of the railway is not finished and put in operation within five years from the passing of this Act, then the powers granted by the said Act and the said amending Act and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Application of
6 Edw. VII.
c. 30.

4. Notwithstanding anything contained in the said Act of Incorporation and said amending Act, all the provisions of *The Ontario Railway Act, 1906*, applicable to railways to be operated by electricity shall apply to the said company and the railway to be constructed under this Act.

CHAPTER 108.

An Act to incorporate The Silver Belt Electric
Railway Company.*Assented to 20th April, 1907.*

WHEREAS Alfred James Young, of the Town of Preamble. North Bay, in the District of Nipissing, Merchant, Harvey Drifill Graham, of the Town of Haileybury, in the said District, Barrister-at-law, Arthur James Murphy, of the said Town of Haileybury, Lumberman, Benson C. Beach, of the said Town of Haileybury, and Charles A. Beach, of Winchester, in the County of Dundas, Manufacturer, have by their petition prayed for an Act of incorporation under the name of "The Silver Belt Electric Railway Company" for the purpose of constructing, maintaining and operating by electricity a railway from some point at or near the Blanche River in the Township of Casey, thence through the Townships of Casey, Harris and Dymond to a point at or near the Town of New Liskeard, thence through the Townships of Dymond and Bucke, along the westerly limit of Lake Temiskaming to a point at or near the Town of Haileybury, crossing the Temiskaming and Northern Ontario Railway, and thence in a southerly direction through the Townships of Bucke and Coleman to a point at or near the Town of Cobalt, and thence westerly through the Township of Coleman to a point at or near Portage Bay, in the said township, and thence southerly through said last mentioned township to a point at or near Latchford, with a branch or loop line running southerly from a point at or near Haileybury through the Township of Bucke and part of the Township of Lorraine, and thence running in a westerly direction through the Township of Coleman and the Gillies Limit to a point at or near the Town of Cobalt and there connecting with the main line; all of the said points and municipalities being in the District of Nipissing; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Alfred James Young, Harvey Drifill Graham, Arthur James Murphy, Benson C. Beach and Charles A. Beach, and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Silver Belt Electric Railway Company," hereinafter called "the company."

Location of lines.

2. The company may survey, lay out, construct, equip, maintain and operate by electricity a railway from some point at or near the Blanche River in the Township of Casey, thence through the Townships of Casey, Harris and Dymond to a point in or near the Town of New Liskeard, thence through the Townships of Dymond and Bucke, along the westerly limit of Lake Temiskaming to a point at or near the Town of Haileybury, crossing the Temiskaming and Northern Ontario Railway, and thence in a southerly direction through the Townships of Bucke and Coleman to a point at or near the Town of Cobalt, and thence westerly through the Township of Coleman to a point at or near Portage Bay, in the said township, and thence southerly through said last mentioned township to a point at or near Latchford, with a branch or loop line running southerly from a point at or near Haileybury through the Township of Bucke and part of the Township of Lorraine, and thence running in a westerly direction through the Township of Coleman and the Gillies Limit to a point at or near the Town of Cobalt and there connecting with the main line; all of the said points and municipalities being in the District of Nipissing.

Capital stock.

3. The capital stock of the company shall be \$1,500,000 divided into shares of \$100 each.

Provisional directors.

4. The said Alfred James Young, Harvey Drifill Graham, Arthur James Murphy, Benson Clothier Beach and Charles Asa Beach shall be the provisional directors of the company.

Head office.

5. The head office of the company shall be at the Town of Haileybury, in the District of Nipissing.

Number of directors.

6. The number of directors shall not be less than five and not more than nine.

Bonding powers.

7. The company may issue bonds, debentures or other securities to the extent of \$30,000 per mile of railway constructed or under contract to be constructed.

8. Subject to the provisions of section 9 of this Act and of section 58 of *The Ontario Railway Act, 1906*, the company may enter into agreements with "The Temiskaming and Northern Ontario Railway Commission" for any of the purposes specified in said section 58.

Authority to enter into agreement with T. & N. O. Ry. Commission.

9. The company shall not sell or lease the said railway or make running arrangements or amalgamate with any other company without the consent of "The Temiskaming and Northern Ontario Railway Commission;" and if the company shall at any time have received a *bona fide* offer of purchase of the railway to be constructed under the powers granted by this Act and desire to accept the same, the company shall communicate in writing the said offer to "The Temiskaming and Northern Ontario Railway Commission," and the said Commission may within thirty days from the receipt of the said communication signify in writing their willingness to purchase the said railway at the price and on the terms so offered as aforesaid and the said Commission shall be entitled to purchase the said railway at the said price and on the said terms.

Amalgamation, etc., to be subject to consent of T. and N. O. Ry. Commission.

10. The provisions of *The Ontario Railway Act, 1906*, in so far as they apply to railways operated by electricity, shall apply to the company and the railway to be constructed under this Act.

Provisions of 6 Edw. VII. c. 30. to apply.

CHAPTER 109.

An Act to incorporate The Stratford and St. Joseph Radial Railway Company.

Assented to 20th April, 1907.

Preamble.

WHEREAS Joseph Ulric Vincent, Barrister-at-Law, Joseph Mederic Lavoie, Merchant, Alphonse A. Taillon, Banker, and Joseph Pierre Prudhomme, Manufacturer, all of the City of Ottawa, in the County of Carleton, and Ziba Gallagher, Solicitor, of the City of Toronto, in the County of York, have by their petition prayed for an Act of incorporation under the name of "The Stratford and St. Joseph Radial Railway Company" for the purpose of constructing and maintaining a railway to be operated by electricity from some point in or near the City of Stratford, in the County of Perth, and continuing in a westerly direction to or near the unincorporated Village of Avonton, in the Township of Downie, in the said County of Perth, and thence to or near the unincorporated Villages of Fullarton and Russeldale, in the Township of Fullarton, in the said County of Perth; thence passing through the said Township of Fullarton to or near the unincorporated Village of Farquhar, in the Township of Usborne, in the County of Huron, and thence to or near the Town of Exeter, in the said Township of Usborne and the Township of Stephen, in the said County of Huron, and thence northwesterly to the Village of Hensall and the unincorporated Village of Zurich, in the Township of Hay, in the said County of Huron, to the unincorporated Village of St. Joseph, on the shore of Lake Huron, in the said Township of Hay, or from the said Town of Exeter in a northwesterly direction to the said Village of St. Joseph, and thence southerly to or near the unincorporated Village of Grand Bend, in the said Townships of Hay and Stephen, and thence, passing through the Townships of McGillivray and West Williams, in the County of Middlesex, in a southerly direction to or near the Town of Park Hill, in the said Township of West Williams; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Joseph Ulric Vincent, Joseph Mederic Lavoie, Incorporation. Alphonse A. Taillon, Joseph Pierre Prudhomme, and Ziba Gallagher, together with such other persons as shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic under the name of "The Stratford and St. Joseph Radial Railway Company," hereinafter called the "company."

2. The persons named in section 1 of this Act are Provisional directors. constituted the provisional directors of the company.

3. The capital stock of the company shall be \$500,000. Capital stock.

4. The head office of the company shall be at the City of Head office. Stratford, in the County of Perth.

5. The annual meeting of the shareholders shall be held Annual meeting. on the first Tuesday in May in each year.

6. The number of directors of the company shall not be Number of directors. less than five or more than nine.

7. The company may construct, equip, maintain and operate Location of line. an electric railway from some point in or near the City of Stratford, in the County of Perth, and continuing in a westerly direction to or near the unincorporated Village of Avonton, in the Township of Downie, in the said County of Perth, and thence to or near the unincorporated Villages of Fullarton and Russeldale, in the Township of Fullarton, in the said County of Perth; thence passing through the said Township of Fullarton to or near the unincorporated Village of Farquhar, in the Township of Usborne, in the County of Huron, and thence to or near the Town of Exeter, in the said Township of Usborne and the Township of Stephen, in the said County of Huron, and thence north-westerly to the Village of Hensall and the unincorporated Village of Zurich, in the Township of Hay, in the said County of Huron, to the unincorporated Village of St. Joseph, on the shore of Lake Huron, in the said Township of Hay, or from the said Town of Exeter in a north-westerly direction to the said Village of St. Joseph, and thence southerly to or near the unincorporated Village of Grand Bend, in the said Townships of Hay and Stephen, and thence passing through the Townships of McGillivray and West Williams, in the County of Middlesex, in a southerly direction to or near the Town of Park Hill, in the said Township of West Williams.

Bonding
powers.

8. The company may issue bonds, debentures or other securities to the extent of \$25,000 per mile of the railway.

Certain pro-
visions of
6 Edw. VII., c.
80 to apply.

9. The provisions of *The Ontario Railway Act, 1906*, in so far as they apply to railways operated by electricity, shall apply to the said company and the railway to be constructed under this Act.

CHAPTER 110.

An Act to incorporate The Thessalon and Northern
Railway Company.*Assented to 20th April, 1907.*

WHEREAS Albert Augustine Burke, Banker; Thomas Buchanan, Merchant; James Barnes Dobie, Merchant; Daniel Jamieson Sandie, Capitalist; Robert Pinder, Merchant, and William Henry Taylor, Surgeon, all of the Town of Thessalon in the District of Algoma and Province of Ontario, have by their petition prayed for an Act of incorporation under the name of "The Thessalon and Northern Railway Company," for the purpose of constructing and maintaining a railway to be operated by steam or electricity, from a point on the Algoma branch of the Canadian Pacific Railway about two miles northeast of the Town of Thessalon, thence south-westerly by the most feasible route to a point in or near the Town of Thessalon in the District of Algoma, thence north-westerly by the most feasible route to a point at or near Thessalon station on the Algoma branch of the Canadian Pacific Railway; and from either of the said points on said Algoma branch northerly by the most feasible route to a point on the Mississauga River in or near the Township of Gould, in the District of Algoma; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Albert Augustine Burke, Thomas Buchanan, James Barnes Dobie, Daniel Jamieson Sandie, Robert Pinder, William Henry Taylor and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Thessalon and Northern Railway Company," hereinafter called "the Company."

Incorporation.

Location of
line.

2. The company is hereby authorized and empowered to lay out, construct and operate by steam or electricity, a railway from a point on the Algoma branch of the Canadian Pacific Railway about two miles northeast of the Town of Thessalon; thence southwesterly by the most feasible route to a point in or near the Town of Thessalon, in the District of Algoma; thence northwesterly by the most feasible route to a point at or near Thessalon station on the Algoma branch of the Canadian Pacific Railway; and from either of the said points on the said Algoma branch northerly by the most feasible route to a point on the Mississauga River in or near the Township of Gould, in the District of Algoma.

Provisional
directors.

3. The persons named in section 1 of this Act shall be the board of provisional directors of the company.

Capital stock.

4. The capital stock of the company shall be \$50,000.

Number of
directors.

5. The number of directors shall not be less than five nor more than nine.

Head office.

6. The head office of the company shall be at the said Town of Thessalon.

Bonds.

7. The issue of bonds, debentures and other securities by the company shall not exceed \$20,000 per mile of the railway.

Application of
6 Edw. VII.,
c. 30.

8. *The Ontario Railway Act, 1906*, shall apply to the company and the railway to be constructed under this Act.

Plans and
surveys.

9. The company may make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan and book of reference thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and deposit the same as required by the clauses of *The Ontario Railway Act, 1906*, with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than two miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections and portions of the said railway, all and every of the clauses of *The Ontario Railway Act, 1906*, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map

6 Edw. VII.,
c. 30.

6 Edw. VII.,
c. 30.

or plan and book of reference of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of *The Ontario Railway Act*. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided, however, that the Board may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

10. Whenever any section of the said railway of not less than two miles has been completed, the company may take steps, authorized by section 163 of the said Act, to be taken before a railway or a portion thereof is opened for the carriage of traffic, and, with the permission of the Board as set forth in the said section, the company may open and operate such section as if it were a completed road, and all the sections of this Act applicable thereto shall thereupon apply to the said section as if it were a completed road, and to its operation.

Company may operate section of two miles as completed.

CHAPTER 111.

An Act to Incorporate The Thurlow Railway Company.

Assented to 20th April, 1907.

Preamble.

WHEREAS Harry Clay Trexler, of the City of Allentown, in the State of Pennsylvania, Merchant, Edward Mark Young, of the said City of Allentown, in the State of Pennsylvania, Merchant, George Ormrod, of the said City of Allentown, Manufacturer, George Grant Sykes, of the said City of Allentown, Esquire, and Alfred William Thorn, of the City of Buffalo, in the State of New York, one of the United States of America, merchant, shareholders and directors of Lehigh Portland Cement Company, Limited, have by their petition represented that it is in the interest of Lehigh Portland Cement Company, Limited, that a company should be incorporated to acquire and operate the railways, spur lines, switches or sidings now owned by the said Company, and to acquire, construct, equip, maintain and operate a railway from a point on the Grand Trunk Railway of Canada in or near Township Lots Twenty-two and Twenty-three in the first concession of the Township of Thurlow, and passing through said lots twenty-two and twenty-three and lots twenty-three, twenty-four and twenty-five in the broken front concession of the said Township of Thurlow, in the County of Hastings, to some point in said township upon the shore of the Bay of Quinte, and to construct, acquire, operate and maintain other similar lines within the said Township of Thurlow, and to connect and to enter into agreements for connecting the Company's railways with other railways now or hereafter passing through the said Township of Thurlow, and also to confirm an agreement made between The Grand Trunk Railway Company of Canada and the Lehigh Portland Cement Company, Limited; and whereas it is expedient to grant the prayer of the said petition:—

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Harry Clay Trexler, Edward Mark Young, George Ormrod, George Grant Sykes and Alfred William Thorn and such other persons and corporations as shall hereafter become shareholders in the Company hereby incorporated, are hereby constituted and declared a body corporate and politic under the name of "The Thurlow Railway Company," hereinafter called "the Company."

Incorporation.

2. The Company may for the purpose of conveying freight and employees to and from the premises of the Lehigh Portland Cement Company, Limited, and subsidiary industries in the County of Hastings, acquire by purchase or lease all and any railway tracks, sidings and switches and the lands occupied therewith belonging to the Lehigh Portland Cement Company, Limited, and all rolling-stock, engines, wharves, docks, railway appliances and other property of the said Lehigh Portland Cement Company, Limited, used or intended to be used for railway purposes; and to lay out, construct, maintain, equip and operate a railway spur line, switch or siding from a point on the Grand Trunk Railway of Canada in the Township of Thurlow, at or about lots twenty-two and twenty-three in the first concession of the said Township of Thurlow, in the County of Hastings, and extending thence southerly through said lots twenty-two and twenty-three in the said first concession and through lots twenty-three, twenty-four and twenty-five in the broken front concession of said Township of Thurlow and across intersecting highways to the water's edge of the Bay of Quinte; and to construct, acquire, operate, equip, maintain, alter and keep in repair, iron or steel railways between other points within the said Township of Thurlow and to connect and to enter into agreements for connecting the Company's railways with other railways now or hereafter passing through the said Township of Thurlow and to construct all necessary bridges and works required for the operation of said railways.

Location of line.

3. The agreement between The Lehigh Portland Cement Company, Limited, and The Grand Trunk Railway Company of Canada set out in Schedule "A" to this Act is hereby validated and confirmed.

Agreement between Lehigh Portland Cement Co. and G.T.R. Co. confirmed.

4. The said Harry Clay Trexler, Edward Mark Young, George Ormrod, George Grant Sykes and Alfred William Thorn shall be the provisional directors of the Company hereby incorporated.

Provisional directors.

5. The head office of the Company shall be in the said Township of Thurlow, in the County of Hastings, and the Company may by by-law provide that the meetings of

Head office.

of shareholders and meetings of directors may be held outside of the Province, or such other places as may be duly authorized.

Capital stock.

6. The capital stock of the Company shall be \$50,000, divided into 500 shares of the par value of \$100 each share.

Board of directors.

7. The board of directors of the Company shall consist of not less than five and not more than nine persons, and no person shall be qualified to be a director unless he is a shareholder holding at least one share in the Company.

Powers of expropriation.

8. In case the council of any municipality through which the said railway passes declares that it is desirable and expedient that the Company should have powers of expropriation for the purpose of securing within the limits of the municipality the necessary right of way for that purpose as set forth in the by-law and if The Ontario Railway and Municipal Board certifies that the building of the proposed railway across the lands described in the by-law is necessary and expedient, the Company upon the registration of the by-law and certificate in the proper registry office shall in respect of the lands described in the by-law possess the powers of expropriation conferred by *The Ontario Railway Act, 1906*, provided that no such by-law shall be passed by the council of any municipality until all owners of lands across which the proposed railway is to run have had at least one week's previous notice in writing of the time when such by-law is to be considered by the council.

6 Edw. VII.
c. 30.

Conveyances of
land to Co.
6 Edw. VII.
c. 30.

9. Conveyances of land to the Company may be made in the form authorized by section 258 of *The Ontario Railway Act, 1906*, and Schedule "B" to the said Act and shall have the same force and effect and be subject to the same provisions as to registration and otherwise as conveyances to railway companies under the said section 258.

Application of
certain
sections of
6 Edw. VII. c. 30.

10. The company shall have the powers conferred upon a railway company by subsections 1 to 6 and 9 to 15 of section 51 of *The Ontario Railway Act, 1906*, and sections 90 to 97 and 169 of the said Act shall apply to the Company, but save as aforesaid the said Act shall not apply to the Company hereby incorporated.

Application of
certain
provisions of
Rev. Stat. c. 191.

11. The provisions of *The Ontario Companies' Act* shall apply to the Company except in so far as the provisions of this Act are inconsistent therewith.

SCHEDULE "A"

This agreement made this thirty-first day of October in the year 1906, by and between The Lehigh Portland Cement Company, Limited, a corporation authorized to carry on business in the Province of Ontario, and having its head office at the Township of Thurlow, in the County of Hastings, in the said Province, hereinafter called the "Contractor" of the first part, and The Grand Trunk Railway Company of Canada, hereinafter called the "Grand Trunk," of the second part.

Witnesseth that for the consideration hereinafter mentioned the said parties hereto have and they hereby do covenant and agree each with the other as follows, that is to say:—

1. The contractor shall forthwith apply for and take all necessary steps at its own costs to obtain the necessary authority to construct, equip, maintain and operate a line of railway extending from a junction with the tracks of the Grand Trunk, in the Township of Thurlow, at or about Lots Twenty-two or Twenty-three in the First Concession, thence southerly through said lots to the waters of the Bay of Quinte, and as shown by the lines colored red on the plan hereto attached and made part hereof, and between the points on said plan marked "A" to "B."

2. The Grand Trunk shall apply for the necessary authority and approval of the Board of Railway Commissioners for Canada, to the junction being made with its tracks by the said proposed line of railway at the point "B" as shown by said plan, and shall also, if required, apply for and obtain the approval of the said Board of Railway Commissioners for the construction, maintenance and operation of a connecting track between the point of said proposed junction and the tracks of the Grand Trunk in its Belleville Station yard and terminal, as shown by the lines colored red on the said plan between the points "B" and "C," and for the taking of the necessary land for that purpose if any is required outside the land at present owned by the Grand Trunk.

3. Subject to the obtaining of all the necessary authority as aforesaid and to the furnishing by the contractor of all the land required outside of that owned by the Grand Trunk, between the points "A" to "B," as shown by said plan, it is hereby agreed between the parties that the Grand Trunk, at the costs of the contractor in the first instance, shall furnish the rails, switches, frogs, fastenings, signals and all other steel and iron work required, also all ties and other materials necessary, and shall construct ready for traffic according to the standard of construction in force on the Grand Trunk's system of railway for side tracks, the said line of railway between the points "A" and "B" and the connecting tracks between the points "B" and "C," as shown by the said plan; the exact location of the said line of railway and of the said connecting tracks to be first settled and agreed upon by the engineers of the parties hereto.

4. It is understood that the connecting tracks between the points "B" to "C," as shown on said plan, shall, if convenient, be built on the lands forming the present right of way of the Grand Trunk, but if it is found impossible to so build without causing interference with the main line tracks or any plans of the Grand Trunk regarding its said right of way, then the necessary additional land adjoining said right of way required for the construction of said connecting track between the points "B" and "C" shall be purchased and title taken in the name of the Grand Trunk, but the cost shall be included in the costs of the construction of said work to be borne by the contractor in the first instance.

5. Before the work is commenced by the Grand Trunk, the contractor shall deposit with the Grand Trunk the sum of twenty-five thousand dollars in cash. As the work of construction proceeds, the contractor shall reimburse the Grand Trunk for the costs on progress estimates certified by the Superintendent of the Grand Trunk from

from time to time, payments of ten thousand dollars each, the total work being estimated to cost fifty-one thousand and fifty-five dollars, exclusive of any costs of land required, or expense outside of actual work of construction; the said twenty-five thousand dollars so deposited is to be first applied in the payment of said progress certificated estimates, and as to the balance thereafter the contractor hereby covenants and agrees with the Grand Trunk to promptly pay the same within ten days of presentation of such progress certificates, and on the completion of the work to promptly pay to the Grand Trunk all sums that are due and payable by the contractor with respect to the construction of said line of railway and connecting track covered by the terms of the agreement or intended so to be.

6. Upon completion of the work of construction and the opening of the line of railway ready for traffic, the Grand Trunk will allow and account to the contractor for the sum of two dollars and fifty cents per car for each and every car fully loaded with the goods of the contractor (but not including machinery, or materials to be used for railway construction purposes) shipped in or out over said line of railway and upon which the earnings of the Grand Trunk amount to at least ten dollars per car, until the aggregate amount of such allowance of two dollars and fifty cents per car shall be sufficient to repay to the contractor without interest, all expenditures made by them on account of the construction of the said connecting track, as shown on said plan, between the points "B" to "C," and not otherwise is the Grand Trunk to be called upon to make such repayment. The total amount of the cost of construction of said connecting track between the points "B" to "C" shall be made up upon the completion of the work and certified to by the Superintendent of the Grand Trunk, and an account rendered to the contractor for its information. The certificate of said superintendent as to such total cost to be accepted as final by the parties.

7. It is further agreed between the parties hereto that the contractor at the point of junction between said line of railway and the Grand Trunk tracks at or about the point "B," as shown on said plan, the contractor shall furnish at their own costs on their own lands all additional side tracks as may be necessary to receive delivery of cars for shipment upon and over the said line of railway, and at that point be in a position to deliver to the Grand Trunk all cars for shipment over the Grand Trunk system of railways. All such side tracks and spurs required shall be furnished from time to time at the cost of the contractor, the Grand Trunk agreeing to do the work at actual cost whenever so requested upon the usual deposit of the estimate cost being made.

8. It is to be distinctly agreed and understood that the Grand Trunk are not to be called on to pay any switching or other charges in connection with the handling of the Grand Trunk cars over said line of railway from "A" to "B," and to the connection thereupon with the Grand Trunk station yard tracks. Said line of railway from "A" to "B" is, however, to be used solely for the business of the contractor.

9. All switches connecting the said line of railway with the Grand Trunk tracks shall be under the sole control of the employees of the Grand Trunk, and the contractor shall observe and obey all reasonable regulations of the Grand Trunk respecting the use of the said tracks and switches, and all regulations respecting the working of the railway of the Grand Trunk with respect to such use.

10. The Grand Trunk shall be at liberty to alter the position of the said junction if necessary for its purposes.

11. The contractor shall cause all cars placed on the line of railway for the purposes of the contractor or shippers, to be unloaded and loaded with despatch, and such cars shall in no case be loaded on the said line of railway with a greater weight than the capacity marked

marked thereon, or given by the station agent of the Grand Trunk, and should the contractor or other shippers fail or refuse to pay the car service charges that may accrue against the Grand Trunk or contractor under the rules of the Grand Trunk, or under the rules of the Car Service Association in force at the point where said siding is located, then the Grand Trunk shall thereupon cease to be under any obligation to deliver to or receive any freight from the contractor over or upon the said line of railway.

12. That the Grand Trunk shall not be liable or responsible for and the contractor shall assume all liability and responsibility on account of damage or injury to person or property of employees, or to the person or property of third persons arising out of or by reason of or incidental to the working of traffic or done by cars and locomotives when situated upon and being operated on the lands and premises and the tracks of the contractor, and outside of the lands and tracks of the Grand Trunk, and the contractor shall protect and save the Grand Trunk harmless from all such damages and injury, such indemnity to include expenses and costs of suit.

13. Should the contractor attempt to assign, or assign or in any manner dispose of any right or privilege hereunder, without the consent in writing of the General Manager of the Grand Trunk, or become bankrupt or insolvent, or take the benefit of any winding up Act, or cease for three months consecutively to receive or make shipments, or should default be made in any condition or obligation hereby imposed upon the contractor, this agreement shall thereupon, at the option of the Grand Trunk, be taken and considered as at an end.

14. This agreement shall be in force and continue for five years from the date hereof, and from thence from year to year until terminated by six months' notice in writing from either party to the other.

15. This agreement shall enure to the benefit and be binding upon the successors and assigns of the parties hereto respectively.

In witness whereof the parties hereto have hereunto set their respective corporate seals on the day and year first above set forth.
Signed, sealed and delivered

in the presence of
(By the Contractor)
"G. G. SYKES,"
Secretary.
(By the Grand Trunk)
"A. MORTON."

THE LEHIGH PORTLAND
CEMENT CO., LIMITED,
Per "HARRY C. TREXLER,"
President.
THE GRAND TRUNK RAILWAY
CO. OF CANADA,
Per "CHAS. M. HAYS,"
2nd Vice-Pres. and
General Manager.

CHAPTER 112.

An Act respecting the Windsor and Tecumseh Electric Railway Company and the Sandwich, Windsor and Amherstburg Railway.

Assented to 20th April, 1907.

Preamble

WHEREAS the Windsor and Tecumseh Electric Railway Company, hereinafter called "the Windsor Company," has been incorporated and has acquired its rights and powers to operate its railway and conduct its business under and by virtue of Acts of the Legislative Assembly of the Province of Ontario, being Chapter 96 of the Acts passed in the fourth year of His Majesty's reign and Chapter 111 of the Acts passed in the fifth year of His Majesty's reign; and whereas the Sandwich, Windsor and Amherstburg Railway Company, hereinafter called "the Sandwich Company," has been incorporated and has acquired its rights and powers to operate its railway under and by virtue of Acts of the Legislative Assembly of the Province of Ontario as more particularly set forth in the preamble of *An Act respecting the Sandwich, Windsor and Amherstburg Railway*, being Chapter 88 of the Acts passed in the fourth year of His Majesty's reign; and whereas the said two companies have by their petition shown that it is desirable that the said two companies should operate their lines of railway as one system and to make running arrangements between the said two companies, or to sell or lease the railway of the Windsor Company to the Sandwich Company, and in order thereto it is deemed expedient that the Sandwich Company should be empowered to purchase the capital stock, bonds or other securities of the Windsor Company or to guarantee the bonds or other securities of the Windsor Company; and whereas the said companies have further represented by their petition that doubts have arisen as to the validity of the organization of the Windsor Company and as to the rights and powers granted by the Acts of incorporation of the Windsor Company being still valid and subsisting; and whereas the said two companies have by their petition

tion prayed that an Act may be passed empowering them to enter into the arrangements aforesaid and to empower the Sandwich Company to purchase the capital stock, bonds or other securities of the Windsor Company and to guarantee the bonds or other securities of the Windsor Company and to remove the doubts existing as aforesaid; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the provisions of sections 218, 219 and 220 of *The Ontario Railway Act, 1906*, the said companies are hereby authorized and empowered to enter into an agreement one with the other upon such terms as they may deem advisable for the following purposes or for any of them:—

Companies authorized to enter into agreements for certain purposes.

(a) For the acquiring of running rights by the Windsor Company over the tracks of the Sandwich Company;

(b) For the sale or leasing or hiring of the whole or any portion of the railway of the Windsor Company or the use thereof by the Sandwich Company or for the sale or leasing or hiring of any engines, locomotives, motors, carriages or cars, or any part thereof of one of the said companies by the other;

(c) For the supply of electricity by one of the said companies to the other;

(d) For the amalgamation of the said two companies.

2. The provisions of subsections 1 to 3 of section 58 of *The Ontario Railway Act, 1906*, shall apply to every agreement entered into by the said companies under the powers conferred by section 1 of this Act.

Application of 6 Edward VII, c. 30, s. 58, Subs. 1-3.

3. The Sandwich Company may acquire, hold and dispose of stocks, bonds or other securities of the Windsor Company and may guarantee the payment of the bonds or other securities of the Windsor Company.

Sandwich Co. authorized to hold stock of Windsor Co.

4. The first general meeting of the said Windsor Company and the election of its directors at the said first general meeting are declared to be legal, valid and binding notwithstanding that the provisions of section 8, subsection 2 of *The Ontario Railway Act, 1906*, or section 52 of *The Electric Railway Act* may not have been complied with.

Organization of Windsor Co. declared to be valid.

Acts incorpor-
ating Windsor
Co. declared
to be valid.

5. Notwithstanding the provisions of section 111 of *The Ontario Railway Act, 1906*, the powers granted by the said Acts incorporating the Windsor Company are declared to be valid and subsisting and shall only cease and be null and void as respects so much of the railway as remains incomplete at the expiration of five years from the passing of the Act, being Chapter 96 of the Acts passed in the fourth year of His Majesty's reign.

Inconsistent
enactments
repealed.

6. The provisions of the Act passed in the 4th year of His Majesty's reign, Chaptered 96, and of the Act passed in the 5th year of the said reign, Chaptered 111, and of the Acts respecting the Sandwich, Windsor and Amherstburg Railway where inconsistent with the provisions of this Act, are repealed and *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act shall apply to the said railway companies and the railways constructed by them.

6 Edw. VII.
c. 30. ~~1906~~

CHAPTER 113.

An Act respecting Canadian Niagara Power Company.

Assented to 20th April, 1907.

WHEREAS the Canadian Niagara Power Company has Preamble.
 by its petition set forth that it was incorporated by the Act passed in the 55th year of the reign of Her late Majesty Queen Victoria, Chaptered 8, whereby its directors were empowered to issue bonds up to \$5,000,000; and that by section 45 of 6 Edward VII., Chapter 19, it was empowered to issue bonds to the additional amount of \$3,000,000; and that it has expended over \$5,000,000 and may require to expend upon its undertaking \$2,000,000 in addition to the amount already authorized; and that it has entered into a trust indenture dated 1st October, 1906, whereby security is given for the additional issue of bonds to the amount of \$3,000,000 as authorized by section 45 of 6 Edward VII., Chapter 19, as aforesaid, and for the further additional issue of \$2,000,000, if and when the total amount of bonds to be issued under and secured by the said indenture shall be authorized to be increased to the amount of \$2,000,000 in addition to the \$3,000,000 already authorized; and whereas the said Canadian Niagara Power Company has by its petition prayed that an Act may be passed to authorize a further issue of bonds to the amount of \$2,000,000, and to confirm the said trust indenture; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In addition to the issue of bonds to the amount authorized by section 6 of the Act passed in the 55th year of the reign of Her late Majesty Queen Victoria, Chaptered 8, as amended by section 45 of *The Statute Law Amendment Act, 1906*, the directors of the said company for the purpose of prosecuting and completing the undertaking, shall

Issue of bonds for \$2,000,000 authorized.

shall have power to make a further issue of bonds of the said company to an amount not exceeding in the whole \$2,000,000, and clause (a) of the said section 6 shall be read as though "\$5,000,000" were substituted for "\$3,000,000" where the said amount "\$3,000,000" is mentioned in the 5th and 9th lines of the said clause. The said additional issue of bonds hereby authorized shall rank equally with the issue of \$3,000,000 originally authorized by the said clause (a) and next subsequent to the issue of \$5,000,000 authorized by the said section 6, prior to the said amendment by section 45 of *The Statute Law Amendment Act, 1906*.

Trust indenture confirmed.

2. The trust indenture dated 1st October, 1906, set forth in the schedule hereto is hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

SCHEDULE "A."

This Indenture, made this 1st day of October in the year of Our Lord one thousand nine hundred and six, by and between The Canadian Niagara Power Company, a Corporation created by and existing under the laws of the Province of Ontario in the Dominion of Canada (hereinafter called "the Canadian Company"), party of the first part; and The Toronto General Trusts Corporation, a Corporation created by and existing under the laws of the Province of Ontario aforesaid (hereinafter called "the Trustee"), party of the second part.

Whereas the Canadian company was incorporated by an Act of the Legislature of the Province of Ontario, 55 Victoria, Chapter 8, whereby a certain agreement, dated the 7th day of April, 1892, between the Commissioners for the Queen Victoria Niagara Falls Park and Albert D. Shaw, Francis Lynde Stetson and William B. Rankine (who, with their associates, were incorporated by the Act now in recital as the Canadian Niagara Power Company) was ratified and confirmed, and whereby, as amended by *The Statute Law Amendment Act of 1906* (6 Edw. VII., Chapter 19, Section 45), it is enacted that the directors of the Canadian company shall have power to issue bonds of the Canadian company for the purpose of raising money for prosecuting the undertaking of the Canadian company, which shall be a charge (subject always to the payment of the annual rent to the commissioners as provided in the said agreement) upon the works, franchises and plant of the Canadian company and payable at such times and places as the directors shall determine, (1) to an amount not exceeding \$5,000,000, and (2) to a further amount not exceeding the sum of \$3,000,000, provided that the said further issue of \$3,000,000 shall rank next subsequent to the said authorized issue of \$5,000,000; and,

Whereas the Canadian company, for the said purpose of raising money for prosecuting its undertaking, has issued and has sold and delivered its bonds now outstanding to the full amount of \$5,000,000, all of which said bonds, except a remaining balance of \$20,000 principal amount still outstanding of a previous issue, are secured to be paid by a certain indenture executed by the Canadian company to the said The Toronto General Trusts Corporation, dated October 1, 1901 (hereinafter designated and referred to as the mortgage of October 1, 1901), by the terms of which indenture, in order to secure payment of the principal and interest of all of an issue

under

under the provisions thereof of \$5,000,000 of bonds, the Canadian company granted, bargained, sold, released, conveyed, assigned, transferred and set over unto the said The Toronto General Trusts Corporation, all and singular, the real and personal property, undertaking, works, plant, rights, privileges and franchises of the Canadian company, including the real and personal property, undertaking, works, plant, power transmission, lines, poles, towers, cables, conductors, conduits, transformer stations, rights, privileges and franchises included in and covered by the said agreement of the 7th day of April, 1892, and the said Act of the Legislature of the Province of Ontario, 55 Victoria, Chapter 8, and all Acts and agreements in amendment, confirmation, renewal, extension or interpretation of the said agreement and Act of the Legislature or either of them, in trust, however, for the benefits, security and purposes in said indenture fully set forth; and,

Whereas, of the \$5,000,000 bonds authorized to be issued under the provisions of said mortgage of October 1, 1901, (\$3,000,000 of which, numbered from 1 to 3,000 inclusive, comprise Series A, and hereinafter are referred to as Debentures Series A, and the remaining \$2,000,000, numbered from 3,001 to 5,000, inclusive, comprise Series B, and hereinafter are referred to as Debentures Series B), bonds to the amount of \$4,980,000 (being all of Debentures Series A and debentures aggregating \$1,980,000, numbered from 3,001 to 4,980, inclusive, of Series B), have been issued, sold and delivered, and are now outstanding, and all of the proceeds thereof have been used in the prosecution of the said undertaking of the Canadian company; and,

Whereas the remaining \$20,000 of said Debentures, Series B, in accordance with the provisions of the said mortgage of October 1, 1901, are now held and reserved for the purpose of redeeming the said \$20,000 still outstanding of a previous issue of bonds of the Canadian company, the proceeds of all of which said \$20,000 of such previous issue also have been used in the prosecution of the said undertaking of the Canadian company; and,

Whereas in order that the Canadian company may raise money for the further prosecution of its said undertaking, it is necessary that a further issue of bonds of the Canadian company be made to the extent and in the manner hereinafter provided; and,

Whereas of such further issue the Canadian company has agreed to deliver, when issued, bonds to the amount of \$1,500,000 to The Niagara Falls Power Company, a New York corporation, for monies advanced and by it agreed to be advanced to the Canadian company for use by the Canadian company in the prosecution of its said undertaking; and,

Whereas at a meeting of the Board of Directors of the Canadian company, held in the City of Toronto on the 17th day of October, 1906, resolutions in the following words and figures were duly and unanimously adopted, viz.:—

“Resolved, That the President, or vice-president, and the secretary, or treasurer, of the Canadian Niagara Power Company be, and hereby they are, authorized to execute and to issue and to deliver debentures of the Canadian Niagara Power Company to the aggregate principal of \$3,000,000 (to be known as Series C), payable on or before October 1st, 1914, with interest thereon at the rate of six per cent. per annum, payable semi-annually on the first day of April and the first day of October in each and every year until the principal shall be fully paid; both principal and interest to be payable in gold coin of the United States, of the present standard of weight and fineness, at the office or agency of The Niagara Falls Power Company in the City of New York, and without deducting for any tax or taxes which the Canadian Niagara Power Company, or The Toronto General Trusts Corporation may be required to pay, or to retain therefrom under or by reason of any present or future law, the Canadian Niagara Power Company hereby agreeing to pay such tax or taxes; such debentures to be coupon debentures, each

each for the principal sum of one thousand dollars (\$1,000), giving to the holder the right to register the principal thereof, the debentures to be substantially in the form now submitted to this meeting, of which a copy is annexed to the minutes hereof; provided that until such one thousand dollar bonds can be lithographed temporary bonds, of substantially the same tenor, may be issued in denominations in multiple of \$1,000, which temporary bonds shall be exchangeable at par for such lithographed \$1,000 bonds, as soon as the latter are lithographed and ready for delivery; and

“Resolved, That the president, or vice-president, and the secretary, or treasurer, of the Canadian Niagara Power Company be, and hereby they are, authorized in the name and in behalf of the Canadian Niagara Power Company, and under its corporate seal, to execute and acknowledge and to deliver to The Toronto General Trusts Corporation, a corporation of the Province of Ontario, as Trustee, a Trust Indenture to be dated October 1, 1906, mortgaging in trust the real and personal property, undertaking, works, plant, rights, privileges and franchises now owned or possessed by or vested in the Canadian Niagara Power Company, or hereafter owned or possessed by or vested in the Canadian Niagara Power Company, including the real and personal property, undertaking, works, plant, rights, privileges and franchises including in and covered by an agreement of the 7th day of April, 1892, made between the Commissioners for the Queen Victoria Niagara Falls Park and Albert D. Shaw, Francis Lynde Stetson and William B. Rankine, and the Act of the Legislature of the Province of Ontario, 55 Victoria, Chapter 8, and all Acts and agreements in amendment, confirmation, renewal, extension and interpretation of the said agreement and the said Act of the said Legislature, or either of them, to secure said debentures to the amount of \$3,000,000 to be certified and delivered by the said The Toronto General Trusts Corporation, as follows: (a) Forthwith to The Niagara Falls Power Company, a New York State corporation, to the amount of \$1,500,000; and (b) To the Canadian Niagara Power Company or its order to the further additional amount of \$1,500,000, making a total issue in all of \$3,000,000, as and when the Canadian Niagara Power Company shall deliver to The Toronto General Trusts Corporation a certificate or certificates subscribed by the president or vice-president and by the secretary or treasurer of the Canadian Niagara Power Company, that the proceeds of such additional issue of debentures stated in such certificate are required for the purpose of the prosecution or completion of the works of the Canadian company or for improvements thereof or additions thereto, and that, by resolution, its directors have authorized and directed the officers of the company to execute, issue and deliver for certification and The Toronto General Trusts Corporation to certify and deliver such debentures as stated in such certificate. All of said debentures, Series C, are to be certified and delivered under the provisions of said Trust Indenture of 1st October, 1906, which indenture is to be substantially in the form of that now submitted to this meeting, and securing to each and every debenture issued under the provisions thereof absolute equality of right and remedy; and the lien of the said Trust Indenture of 1st October, 1906, on the said property of the Canadian company thereby to be mortgaged to be made subject to and to rank next subsequent to the lien of the said Mortgage or Trust Indenture executed by the Canadian Niagara Power Company to The Toronto General Trusts Corporation, dated 1st October, 1901, and

“Resolved, That the coupons attached to the said coupon debentures may be authenticated by the engraved signature of the present treasurer or of any future treasurer of the Canadian Niagara Power Company, it being hereby intended that the Canadian Niagara Power Company may adopt and may use for that purpose the engraved signature of any person who shall have been such treasurer, notwithstanding the fact that he may have ceased to be such treasurer at the time when the debentures may be actually certified and delivered; and

“Resolved

"Resolved, That if and when the total amount of bonds to be issued under and secured by this indenture shall be authorized by the laws of Ontario to be increased by \$2,000,000 in addition to the \$3,000,000 heretofore authorized, the Board of Directors of the Canadian company by resolution may increase the total amount of bonds to be issued under and secured by this indenture from \$3,000,000 to \$5,000,000, and after delivery to the trustee of the copy of such resolution of the directors of the Canadian company certified by the secretary of the Canadian company, the trustee shall certify and shall deliver from time to time to the Canadian company, or to its order, debentures of the said issue Series C to an amount not exceeding \$2,000,000 in addition to the \$3,000,000 of the said debentures, Series C, heretofore authorized, and this indenture shall stand as security for the total \$5,000,000 *pari passu* as though the total \$5,000,000 had been issued at the one time and under the one legislative authorization.

"Resolved, That the president or vice-president and the secretary or treasurer of the Canadian Niagara Power Company be, and hereby they are, authorized on behalf of the Canadian Niagara Power Company to take all such action as may from time to time become necessary or proper to carry into effect these resolutions;" and

Whereas the printed form of indenture submitted and approved by the directors at their said meeting was substantially in the form hereof; and

Whereas the form of the Canadian company's debentures, Series C, and of the coupons to be attached thereunto, and of the trustee's certificate thereon, is as follows, to wit:

[FORM OF DEBENTURE, SERIES C.]

No..... \$1,000.

DOMINION OF CANADA.

PROVINCE OF ONTARIO.

CANADIAN NIAGARA POWER COMPANY.

Six Per Cent. Coupon Gold Debenture.

SERIES C.

Know all men by these presents: That the Canadian Niagara Power Company, a corporation of the Province of Ontario, for value received, promises to pay to the bearer hereof one thousand dollars (\$1,000) in gold coin of the United States, of the present standard of weight and fineness, on or before the first day of October, A.D. 1914, at the office or agency of The Niagara Falls Power Company, in the City of New York, with interest at the rate of six per cent. per annum, payable semi-annually at said office in like gold coin, on the first day of April and the first day of October in each and every year until payment of said principal sum, but only upon presentation and surrender as severally they shall mature of the coupons therefor annexed hereto. Both the principal and interest of this debenture are payable without deduction for any tax or taxes which the Canadian Niagara Power Company or The Toronto General Trusts Corporation may be required to pay on account thereof or to retain therefrom under any present or future law of the Dominion of Canada or of any province or county or municipality therein, the said Canadian Niagara Power Company hereby agreeing to pay such tax or taxes. This debenture is one of Series C of six per cent. coupon gold debentures of the Canadian Niagara Power Company issued, and to be issued, for an aggregate principal sum of not exceeding five million dollars (\$5,000,000), numbered consecutively from 1 upwards; the said debentures, Series C, being issued

issued under and in pursuance of and all equally secured by an indenture dated 1st October, A.D. 1906, executed by the Canadian Niagara Power Company to The Toronto General Trusts Corporation as Trustee, granting and transferring to the said Trustee the real and personal property, undertaking, works, plant, rights, privileges and franchises of the Canadian Niagara Power Company mentioned in the said indenture, subject, however, and next subsequent, to the lien of a certain indenture executed by the Canadian Niagara Power Company to The Toronto General Trusts Corporation under date of 1st October, 1901, to secure the payment of an issue thereunder of \$5,000,000 debentures (Series A and Series B). Reference hereby is made to said indenture dated 1st October, 1906, for a statement of the rights of the holders of said debentures, Series C, of the Canadian Niagara Power Company under the same, the property mortgaged and the nature and extent of the security, and of the terms and conditions subject to which said debentures, Series C, are issued and are to be enforced. No recourse shall be had for the payment of this debenture or of any coupon thereof to any individual or personal liability of any director, officer or stockholder of the Canadian Niagara Power Company, any and all individual or personal liability of every director, officer or stockholder being hereby expressly waived, as is further declared in said indenture of 1st October, 1906.

This debenture shall pass by delivery unless registered in the owner's name on the books of the Canadian Niagara Power Company at the office of The Toronto General Trusts Corporation, such registry being noted on the debenture by the said Trusts Corporation as debenture registrar of the Canadian Niagara Power Company. After such registration, no transfer shall be valid unless made on the Canadian Niagara Power Company's books by the registered owner and similarly noted on the debenture; but the debenture may be discharged from registry by being transferred to bearer, and thereafter transferability by delivery shall be restored; but this debenture may again from time to time be registered or transferred to bearer as before. Such registration, however, shall not affect the negotiability of the coupons, which shall continue to be transferable by delivery merely.

This debenture shall not become obligatory for any purpose until it shall have been authenticated by the certificate hereon endorsed of the trustee under the said indenture of 1st October, 1906, over the signature of its managing director.

In witness whereof, the Canadian Niagara Power Company has caused these presents to be signed by its president or its vice-president, and its corporate seal to be hereunto affixed and to be attested by its secretary or treasurer, and coupons for such interest with the engraved signature of its treasurer to be attached hereto, this first day of October, A.D. 1906.

CANADIAN NIAGARA POWER COMPANY,

[L.S.]

By.....
Vice-President.

Attest:

.....
Treasurer.

[FORM OF INTEREST COUPON OF WHICH THE FIRST IS TO BE PAYABLE
1ST APRIL, 1907.]

No.....

\$30.00.

For value received, on the first day of
nineteen hundred the Canadian Niagara Power
Company will pay to bearer at the office or agency of The Niagara
Falls Power Company in the City of New York, N.Y., thirty dol-
lars (\$30) in United States gold coin, of the standard existing Octo-
ber 1, 1906, without deduction for taxes, being six months' in-
terest

terest then due on its six per cent. coupon gold debenture, Series C, No., unless the same be sooner paid, and subject to the conditions of said debenture and of the indenture under which said debenture is issued.

.....
Treasurer.

[FORM OF TRUSTEE'S CERTIFICATE.]

This is one of a series, namely, Series C, numbered consecutively from 1 upward, aggregating not to exceed \$5,000,000, of six per cent. coupon gold debenture described in the within mentioned indenture executed by the Canadian Niagara Power Company to the undersigned as trustee.

THE TORONTO GENERAL TRUSTS CORPORATION,

Trustee.

By.....
Managing Director.

And

whereas In pursuance of the said resolutions and of all and every legal power and authority in it vested, the Canadian Company has lawful power, and has done all things necessary for the lawful exercise of its power, to issue the said debentures, Series C, subject, as to \$2,000,000, to be necessary legislative authority being obtained therefor, and purposes now to make and execute such debentures to the trustee for certification and delivery under the provisions of this indenture and to declare herein the terms and conditions subject to which every such debenture is and shall be issued, certified, received, held and enforced;

Now, therefore, this indenture witnesseth:

That in order to secure the payment of the principal and interest of all such debentures, Series C, of the Canadian Company at any time certified, issued and outstanding under this indenture, and to secure absolute equality of right and remedy to the holder of each debenture so certified and issued hereunder, in respect of the payment of the principal and interest thereof according to their tenor and effect, and the performance of all the covenants and conditions herein contained, and to declare the terms and conditions upon which such debentures are certified, issued and received, in consideration of the premises and of the purchase and acceptance of such debentures by the holders thereof, and of the sum of one dollar to it duly paid by the trustee, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged

The Canadian company, party of the first part, has executed and delivered these presents, and has granted, bargained, sold, released conveyed, assigned, transferred and set over, and by these presents doth grant, bargain, sell, release, convey, assign, transfer and set over unto the trustee, party of the second part, its successors and assigns forever;

All and singular the real and personal property, undertaking, works, plant, power transmission, lines, poles, towers, cables, conductors, conduits, transformer stations, rights, privileges and franchises now owned or possessed by or vested in the Canadian company, or hereafter owned or possessed by or vested in the Canadian company, including (a) the real and personal property, undertaking, works, plant, rights, privileges and franchises included in and covered by the said agreement of the 7th day of April, 1892, and the said Act of the Legislature of the Province of Ontario, 55 Victoria, Chapter 8, and all Acts and agreements in amendment, confirmation, renewal, extension or interpretation of the said agreement and Act of the Legislature, or either of them; and (b) all those certain tracts, pieces or parcels of land situate in the Townships of Stamford, Willoughby and Bertie and in the Villages of Chippewa and Fort Erie, in the County of Welland, Province of Ontario, known as and constituting the Fort Erie Power Transmission Lines of the Canadian company, comprising a strip of land substantially

substantially thirty feet in width extending substantially all the way from the Canadian company's Step-Up Transformer Station in the said Township of Stamford, adjacent to the Queen Victoria Niagara Falls Park, to the westerly shore of the Niagara River at the foot of Queen Street in the said Village of Fort Erie, and all the poles, supports, steel towers, conductors, cables and other parts of the said Fort Erie Power Transmission Lines, now or hereafter installed or located on the said lands or on streets or highways or over the Niagara River to the international boundary line between the Dominion of Canada and the United States of America; and also the Canadian company's said Step-Up Transformer Station and the stand-pipe and storehouse adjacent thereto, and the lands whereon all the same are located, together with all the electrical and other machinery and installation now or hereafter contained therein or connected therewith; and also all the Canadian company's power transmission lines in or near the City of Niagara Falls in the County of Welland, including the conduits, conductors and other parts of such power transmission line extending along the River Road and the Upper Steel Arch bridge from the northerly boundary of the Queen Victoria Niagara Falls Park to the international boundary line between the Dominion of Canada and the United States of America; and also all lands, rights, transmission lines, franchises and other property outside the said Queen Victoria Niagara Falls Park now owned or hereafter acquired by the Canadian company for use or which it shall be entitled to use for its corporate purposes and necessary or useful in the development, transmission, distribution or delivery by it of the electrical power generated by it in its said plant.

To have and to hold all and singular the said real and personal property, undertaking, works, plant, rights, privileges and franchises, with the appurtenances now or hereafter belonging or in anywise appertaining thereto, unto the trustee, its successor or successors and assigns forever;

Subject, however, to the prior lien of a certain mortgage or trust indenture executed by the Canadian company to The Toronto General Trusts Corporation under date of October 1, 1901, to secure the payment of Canadian company debentures to the aggregate amount of \$5,000,000 (Series A and Series B);

In trust, nevertheless, for the equal and proportionate benefit and security of all present and future holders of the debentures and interest obligations issued and to be issued under and secured by this indenture, and for the enforcement of the payment of the said debentures and interest obligations when payable, and for the performance of and compliance with the covenants and conditions of this indenture without preference, priority or distinction, as to security or otherwise, of any one debenture over any other debenture by reason of priority in the issue or negotiation thereof; it being intended that this indenture shall take effect from the day of the date hereof, without regard to the date of actual issue, sale or disposition of said debentures and as though upon the day of such date all of said debentures had been actually issued, sold and delivered to and were in the hands of holders for value.

And it is hereby covenanted and declared, that the debentures to be issued hereunder, with the coupons for interest thereon, are to be issued and certified and delivered by the trustee subject to the further covenants, conditions, uses and trusts hereinafter set forth; and it is covenanted and agreed between the parties hereto as follows, viz.:—

ARTICLE ONE.

Issue and Appropriation of Debentures.

Section 1. All debentures to be issued hereunder from time to time shall be executed and be delivered by the Canadian company

to

to the trustee for certification, and thereupon as provided in this article and not otherwise the trustee shall certify and shall deliver the same.

(a) The trustee forthwith shall certify and shall deliver to the said The Niagara Falls Power Company, or to its order, debentures (Series C), numbered consecutively from 1 to 1,500 inclusive to the amount of \$1,500,000.

(b) From time to time, in addition to the said \$1,500,000 the trustee shall certify and shall deliver to the Canadian company or to its order, debentures (Series C), for an amount not exceeding \$1,500,000, making a total issue of \$3,000,000; such additional \$1,500,000 of debentures so to be certified and delivered only as and when the Canadian company shall deliver to the trustee a certificate or certificates subscribed by the president or the vice-president and by the secretary or the treasurer of the Canadian company, that the proceeds of such additional issue of debentures stated in such certificate or certificates are required for the purpose of the prosecution or completion of the works of the Canadian company, or for improvements thereof or additions thereto, and that, by resolution, its directors have authorized and directed its officers to execute, issue and deliver for certification and requested the trustee to certify and deliver such debentures as stated in such certificate or certificates.

(c) Until debentures of the denomination of \$1,000 can be engraved or lithographed temporary printed debentures of substantially the same tenor may be issued and may be certified by the trustee in denominations in multiple of \$1,000, which temporary printed debentures shall be exchangeable for engraved or lithographed \$1,000 debentures, certified by the trustee as herein provided, as soon as the latter are engraved or lithographed and ready for delivery.

Only such debentures as shall bear thereon the certificate of the trustee by it duly executed over the signature of its managing director shall be secured by this indenture, or shall be entitled to any lien or benefit hereunder, and every such certificate of the trustee upon any debenture executed in behalf of the Canadian company shall be conclusive evidence that the debenture so certified has been duly issued hereunder, and is entitled to the benefit of the trust hereby created.

Before certifying or delivering any debenture hereunder issued, the trustee shall cut off and shall cancel all coupons thereof then matured.

If and when the total amount of bonds to be issued under and secured by this indenture shall be authorized by the laws of Ontario to be increased by \$2,000,000 in addition to the \$3,000,000 heretofore authorized, the board of directors of the Canadian company by resolution may increase the total amount of bonds to be issued under and secured by this indenture from \$3,000,000 to \$5,000,000, and after delivery to the trustee of the copy of such resolution of the directors of the Canadian company, certified by the secretary of the Canadian company, the trustee shall certify and shall deliver from time to time to the Canadian company, or to its order, debentures of the said issue (Series C) to an amount not exceeding \$2,000,000 in addition to the \$3,000,000 of the said debentures (Series C), heretofore authorized, and this indenture shall stand as security for the total \$5,000,000 *pari passu* as though the total \$5,000,000 had been issued at the one time and under the one legislative authorization.

The proceeds of all debentures issued or to be issued hereunder in addition to the aforesaid amount of \$1,500,000 forthwith to be certified and issued to the said The Niagara Falls Power Company shall be used for the purpose only of reimbursing or providing moneys for capital expenditures made or to be made by the Canadian company.

Section 2. In case any debenture issued hereunder, with the coupons thereto appertaining, shall become mutilated or be destroyed the Canadian company in its discretion may issue, and thereupon the trustee shall, upon the direction of the Canadian company contained in a resolution, duly certified, of its board of directors, certify and deliver a new debenture of like tenor and date bearing the same serial number in exchange and substitution for and upon cancellation of the mutilated debenture and its coupons, or in lieu of and in substitution for the debenture and its coupons so destroyed upon receipt by the trustee of, to it, satisfactory evidence of such destruction. No liability shall attach to the trustee in case the evidence accepted by it should afterwards be proved to have been erroneous or misleading. The aforesaid resolution of the board of directors of the Canadian company shall be absolute protection to the trustee in the premises. Nothing herein contained shall be construed as imposing any obligation upon the Canadian company to issue a new debenture for any debenture mutilated or destroyed, and in every case the Canadian company may impose such terms and conditions as it may deem proper before issuing any such new debenture.

ARTICLE TWO.

Covenants of the Canadian Company.

The Canadian company covenants as follows.—

Section 1. That the Canadian company has the title to the said lands and other property hereinbefore designated "A," hereby conveyed or mortgaged, as granted by the said agreement of the 7th day of April, 1892, and the said Act of the Legislature of the Province of Ontario, 55 Victoria, Chapter 8, and all Acts and agreements in amendment, confirmation, renewal, extension or interpretation of the said agreement and Act of the Legislature, or either of them, and that it has the title to the said lands and other property hereinbefore designated "B," hereby conveyed or mortgaged, and that the Canadian company has the right to convey all the said lands and other property to the trustee as aforesaid, and that on default the trustee shall have quiet possession of the said lands and other property under and subject to the terms of said agreements and Acts of the Legislature, free from all encumbrances, except in respect of the aforesaid lien thereon of the mortgage of October 1, 1901, and that the Canadian company has done no act to encumber the said lands and other property except in respect of the execution and delivery of the said mortgage of October 1, 1901. Wherever in this present section use is made of any of the forms of words contained in column one of Schedule B of *The Act respecting Short Forms of Mortgages* (Revised Statutes of Ontario, Chapter 126, A.D. 1897) and distinguished by any number in the said column, such forms of words shall be taken to have the same effect and be construed as if they were the forms of words contained in column two of the said Schedule "B" and distinguished by the same numbers as those by which the respective forms of words are distinguished in the said column one.

Section 2. Duly and punctually it will pay to the respective holders thereof the principal of every debenture issued under the said mortgage of October 1, 1901, and of every debenture issued and secured hereunder at the dates and place when and where the same shall become due; and duly and punctually it will pay, or will cause to be paid by the trustee, in the manner hereinafter provided, the full amount of the interest thereon accruing at the dates and the place, and in the manner provided in such debentures respectively or in the coupons thereto belonging, according to the true intent and meaning thereof, without deduction from either principal or interest for any tax or taxes imposed by the Dominion of Canada or any province or county or municipality thereof, which the Canadian company or the trustee may be required to pay or to

to retain therefrom or to pay thereon under or by reason of any present or future law, the Canadian company hereby agreeing to pay every such tax. When and as paid, all such coupons shall forthwith be cancelled.

Section 3. Whenever required by the trustee, the Canadian company will do, execute, acknowledge and deliver, or will cause to be done, executed, acknowledged and delivered, all and every such further acts, instruments, transfers and assurances for the better assuring, conveying and confirming unto the trustee all and singular the property hereby mortgaged, or intended so to be, or which the Canadian company herein has covenanted and agreed hereafter to convey to the trustee, as reasonably it shall require for better accomplishing the provisions and purposes of this indenture and for securing payment of the principal and interest of the debentures intended to be hereby secured.

Section 4. The Canadian company will carry on and conduct its business in a proper and efficient manner, and will keep proper books of account, and will therein make true, correct and perfect entries of all dealings and transactions of or in relation to the said business, which said books of account and all other documents relating to the affairs of the Canadian company shall be kept at its registered office, and the same shall at all reasonable times be open for the inspection of the trustee and such person or persons as it shall from time to time appoint in writing for that purpose.

Section 5. The Canadian company will also, so long as any of the debentures hereby secured or intended so to be are outstanding or unpaid, keep all its buildings and appurtenances insured by responsible companies, approved by the trustee, against loss or damage by fire, in such amounts as its board of directors from time to time may determine to be advisable, and will pay the premiums upon all such policies of insurance, and all of said policies of insurance shall be taken out in the name of or assigned to the trustee, as its interests may appear, for the benefit of the holders of the debentures issued under the said mortgage of October 1, 1901, and outstanding and of the holders of the debentures hereby secured and outstanding in such manner that the insurance money may be collected by the trustee as applied by the trustee in repairing or replacing property damaged or destroyed.

Section 6. Should the Canadian company fail to pay the taxes as herein provided, or to effect or assign the insurance as above covenanted, or to keep the same in force, or to deliver or exhibit (ten days before the last day of payment thereof) any receipt for taxes or insurance, or to make any payment of any nature or kind necessary to be made by it for any purpose whatever, hereunder, the trustee may either itself pay such taxes and effect such insurance or make such payments as aforesaid, in which case the Canadian company covenants to immediately repay on demand the amount expended as aforesaid, with interest at the rate of five per cent. (5 per cent.) per annum from the date of such expenditure, and all amounts so paid by the trustee as aforesaid shall become a charge in its favour upon the property hereby mortgaged, or the trustee may notify the debenture holders of the failure of the Canadian company to pay such taxes or to insure as aforesaid.

No duty with respect to paying taxes or effecting or maintaining insurance or notifying debenture holders of the failure of the Canadian company to pay taxes or to insure as aforesaid or enforcing any covenants herein shall rest upon the trustee, and it shall not be responsible for any loss to the Canadian company or to the holders of the said debentures for or by reason of any matter or thing in this section contained.

Section 7. The Canadian company will pay the trustee all moneys which may have been paid by it for premiums on insurance, taxes, legal expenses or charges, or other expenditure whatsoever, which
the

the trustee may reasonably incur in and about the execution of the trust herein created, in preference to any of the said debentures or coupons hereby secured.

Section 8. The Canadian company will observe and perform all matters and things necessary or expedient to be done, observed or performed in virtue of any law of the Dominion of Canada or of the Province of Ontario or otherwise, for the purpose of creating, performing or maintaining the trust herein referred to as security for the payment of the debentures hereby secured; and will do, observe and perform all the obligations hereby imposed upon the Canadian company.

Section 9. As often as the Canadian company shall hereafter acquire any property, undertaking, works, plant, rights, privileges or franchises necessary for the proper operation of the property hereby mortgaged, it will acquire, possess and hold the same and every part and parcel thereof upon and subject to the trust of this indenture until the transfer or conveyance thereof shall be made and delivered to the trustee for the benefit of the trust by this indenture created; subject, however, to the prior lien thereon of the said mortgage of October 1, 1901.

Section 10. The Canadian company will suffer no mechanics', statutory or labourers' liens, which shall have priority to this indenture to be created or placed on any portion of the estate and property hereby mortgaged, to the end that the ranking priority and lien of and under this indenture shall at all times be maintained; and it will diligently preserve all the rights and franchises to it granted and upon it conferred, and will at all times preserve and keep the same and other premises hereby mortgaged, and every part thereof, with the fixtures and appurtenances and every part and parcel thereof in good repair, working order and condition, and will from time to time make all needful and proper repairs, renewals and replacements and useful and proper alterations, additions, betterments and improvements.

Section 11. The Canadian company, at the office of The Toronto General Trusts Corporation, or at some office or agency to be maintained by the Canadian company in the City of Toronto, will keep a sufficient register or registers for the registry as herein provided, of debentures issued hereunder, which registers at all reasonable times shall be open to the inspection of the trustee; and the Canadian company under such reasonable regulations as it may prescribe, will register therein as to principal any debenture issued under the provisions hereof and presented for such purpose, such registration being noted by the Canadian company on the debenture.

Upon presentation at such office or agency of any such registered debenture, accompanied by delivery of a written instrument of transfer executed by the registered holder in a form approved by the Canadian company, such debenture shall be transferred upon such register and such transfer shall be noted by the Canadian company on the debenture. The registered holder of any such registered debenture also shall have the right to cause the same to be registered as payable to bearer, in which case transferability by delivery shall be restored, and thereafter the principal of such debenture shall be payable to any person presenting the same; but any such debenture registered as payable to bearer may be registered again in the name of the holder with the same effect as the first registration thereof; successive registrations and transfers as aforesaid may be made from time to time as desired; and each registration shall be noted by the debenture registrar on the debenture. Registration of any debenture, however, shall not restrain the negotiability of any coupon thereto belonging, but every such coupon shall continue to pass by delivery merely and shall remain payable to bearer.

Section 12. The Canadian company will not voluntarily create, or suffer to be created, any debt, lien or charge having priority to or preference over the lien of these presents upon the property hereby mortgaged, or any part thereof, it being understood, how-
ever

ever, that the lien of the said mortgage of October 1, 1901, now is and, until it shall have been satisfied and discharged by payment or otherwise, will continue to be prior to the lien of these presents.

Section 13. From time to time the Canadian company will pay and discharge all rents, taxes, assessments and governmental charges lawfully imposed upon the said property hereby mortgaged, the lien of which upon the said property hereby mortgaged would be prior to the lien hereof, so that the ranking priority of this indenture shall be fully preserved in respect of the said property hereby mortgaged, provided, however, that nothing contained in this section shall require the Canadian company to pay any such tax, assessment or charge so long as the Canadian company in good faith shall contest the validity thereof.

Section 14. The Canadian company will not make, or suffer or permit the continuance of, any default in the performance or observance of any of the covenants or conditions of the said mortgage of October 1, 1901.

Section 15. The Canadian company will not issue or dispose of any debentures hereby secured except for the purposes hereof, or in any manner other than in accordance with the provisions of this indenture, and the agreements in that behalf herein contained.

ARTICLE THREE.

Section 1. It is hereby declared and covenanted that until the final satisfaction or release of said mortgage of October 1, 1901, all the property thereby mortgaged or conveyed shall be and shall remain subject to the prior and superior lien of said mortgage of October 1, 1901, and shall be held by the trustee under said mortgage of October 1, 1901, with all the powers, rights and discretions and subject to all the provisions set forth in said mortgage of October 1, 1901; and neither the execution of this indenture, nor any action thereunder, shall in any manner affect said mortgage of October 1, 1901, or the lien thereof, or any of the rights of holders of the debentures thereby secured, or any rights or duties of the trustee thereunder.

Section 2. Whenever said mortgage of October 1, 1901, shall have been satisfied, discharged or released, the trustee hereunder shall hold all of the said property as trustee under this indenture with all of the powers, rights and discretions, and subject to all the provisions set forth in this indenture.

Section 3. From time to time the trustee may release from the lien hereof any of the mortgaged property when there should be substituted therefor and subjected to the lien hereof other property which in the trustee's judgment based upon the certificate of some disinterested person selected by the trustee, shall be of equal value to the Canadian company; or such property may be released from this mortgage whenever the Canadian company shall make a cash deposit with the trustee equal in amount to the value of the property to be released as appraised by such disinterested person and certified by him to the trustee in writing. Upon receipt of such deposit, the trustee shall execute and deliver a release of the property in question. The funds so deposited may be used by the Canadian company in the purchase of new or additional property, useful to it in the generation, transmission, distribution or sale of electrical power from its said plant and subject to the lien hereof. Such funds shall be paid by the trustee to the Canadian company upon a requisition signed by the president and treasurer of the Canadian company, in accordance with a duly certified copy of a resolution of the board of directors of the Canadian company specifying that the amount thereby requested is to be based to reimburse the Canadian company for a like sum expended for the purpose aforesaid.

ARTICLE

ARTICLE FOUR.

Rights of the Canadian Company until Default.

Until default as herein provided shall have been made by the Canadian company in payment of principal or interest of the said debentures (Series C) or any of them, or until default shall have been made with respect to something herein required to be done by the Canadian company, or until default in the payment of principal or interest of any debentures (Series A or Series B) as in the said mortgage of October 1, 1901, provided, the Canadian company shall be permitted to have and retain the exclusive control, possession and enjoyment of the property hereby mortgaged in the same manner and with the same effect as if this indenture had not been made.

ARTICLE FIVE.

Remedies of Trustee and Debenture Holders.

Section 1. No coupon belonging to any debenture hereby secured, which in any way at or after maturity shall have been transferred or pledged separate and apart from the debenture to which it relates, shall, unless accompanied by such debenture, be entitled, in case of a default hereunder, to any benefit of or from this indenture, except after the prior payment in full of the principal of the debentures issued hereunder, and of all coupons and interest obligations not so transferred or pledged.

Section 2. In case default shall be made in the payment of any interests on any debenture or debentures hereby secured, or on any of debentures (Series A or Series B), and any such default shall have continued for a period of six months, then and in every case of such continuing default, upon the written request of the holders of a majority in amount of the debentures hereby secured and then outstanding, the trustee, by notice in writing delivered to the Canadian company, shall declare the principal of all debentures hereby secured and then outstanding to be due and payable immediately, and, upon any such declaration, the same shall become and be due and payable immediately, anything in this indenture or in said debentures contained to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time after the principal of said debentures hereby secured and then outstanding shall have been so declared due and payable, all arrears of interest upon all such debentures, and upon all debentures (Series A and Series B) then outstanding, with interest at the rate of six per cent. per annum on over-due instalments of interest, shall be paid by the Canadian company, the holders of a majority in amount of the debentures hereby secured then issued and outstanding, by written notice to the Canadian company and to the trustee, may waive such default and its consequences; but no such waiver shall extend to or affect any subsequent default, or impair any right consequent thereon.

In case the trustee shall have proceeded to enforce any right under this indenture, by foreclosure or otherwise, and such proceedings shall have been discontinued or abandoned because of such waiver, or for any other reason, or shall have been determined adversely to the trustee, then and in every such case the Canadian company and the trustee, after the payment of the latter's compensation and reimbursement, shall be restored to their former position and rights hereunder, and all rights, remedies and powers of the trustee shall continue as though no such proceedings had been taken.

Section 3. In case (1) default shall be made in the payment of any interest on any debenture at any time issued under and secured by this indenture, or on any debenture (Series A or Series B), and any such default shall have continued for a period of six months, and, upon the written request of the holders of a majority in amount

amount of the debentures hereby secured and then outstanding, the trustee shall have made the declaration in section 2 of this article and no waiver shall have been made as therein provided; or in case (2) default shall be made in the due and punctual payment of the principal of any debenture hereunder issued or of any debenture (Series A or Series B); or in case (3) the Canadian company shall neglect to make payment of any tax, levy or assessment as herein or in said mortgage of October 1, 1901, provided and agreed, for the period of six months after the same shall have become lawfully due and payable; or in case (4) the Canadian company shall become insolvent or bankrupt or go into liquidation, either voluntary or under an order of a court of competent jurisdiction, or make a general assignment for the benefit of creditors; or in case (5) a liquidator or liquidators or receiver or receivers shall be appointed to wind up the Canadian company; or in case (6) any process, final judgment or execution shall be levied or enforced upon or against any of the property and rights of the Canadian company and remain unsatisfied for the space of one month, then, unless a lawful appeal therefrom is pending; or in case (7) default shall be made in the due observance or performance of any other covenant or condition herein or in said mortgage of October 1, 1901, required to be kept or performed by the Canadian company, and any such default shall have continued for a period of six months after written notice thereof to the Canadian company from the trustee or from the holders of a majority in amount of the debentures hereunder issued and then outstanding, then, and in each and every such case of default, provided, however, in respect of each of the three cases so indicated, that such default shall have continued for six months, as above provided, the trustee, personally or by attorney, in its discretion, but subject to the terms of the said agreement of 7th April, 1892, and the said Act of the Legislature, 55 Victoria, Chapter 8, and all Acts and agreements in amendment, confirmation, renewal, extension or interpretation of the said agreement and Act of the Legislature, or either of them (a) may sell to the highest and best bidder, subject to the then existing lien of said mortgage of October 1, 1901, all and singular the real and personal property, undertaking, works, plant, rights, privileges and franchises hereby mortgaged, which sale or sales shall be made at public auction, at such place and at such time and upon such terms as the trustee may fix and briefly specify in the notice of the sale to be given as herein provided, or as may be required by law; or (b) may, subject to the said agreements and Acts as aforesaid, proceed to protect and enforce its rights and the rights of the holders of the debentures under this indenture, by a suit or suits in equity or at law, whether for the specific performance of any covenant or agreement contained herein, or in aid of the execution of any power herein granted, or for any foreclosure hereunder, or for the enforcement of any other appropriate, legal or equitable remedy, as the trustee, being advised by counsel learned in the law, shall deem most effectual to protect or enforce any of its rights or duties hereunder.

Upon the written request of the holders of a majority in amount of the debentures hereunder issued and outstanding, in case of any such continued default, it shall be the duty of the trustee, upon being indemnified as hereinafter provided, to take all needful steps for the protection and enforcement of its rights and the rights of the holders of the debentures hereunder secured, and to exercise the power of sale herein conferred, or to take appropriate judicial proceedings by action, suit or otherwise, as the trustee, being advised by counsel learned in the law, shall deem most expedient in the interest of the holders of the debentures hereby secured.

Section 4. Anything in this indenture contained to the contrary notwithstanding, the holders of seventy-five per cent. in amount of the debentures hereby secured and then issued and outstanding, from time to time shall have the right to direct and to control the method and place of conducting any and all proceedings taken in

pursuance

pursuance of any provision hereof for the sale of the property hereby mortgaged, or for the foreclosure of this indenture, or for the appointment of a receiver, or for the purpose of taking any other proceedings hereunder; but shall have no right or power to involve the trustee in any personal liability of any kind to anybody without first and from time to time indemnifying it to its satisfaction.

Section 5. In the event of any sale, whether made under the power of sale hereby granted and conferred, or under or by virtue of judicial proceedings, or of some judgment or decree of foreclosure and sale, subject always to the prior lien of the said mortgage of October 1, 1901, and to the rights of the trustee and of the holders of debentures (Series A and Series B) issued thereunder, the whole of the property hereby mortgaged shall be sold in one piece and as an entirety, unless the holders of seventy-five per cent. in amount of the debentures hereby secured then issued and outstanding shall in writing request the trustee to cause the said property to be sold in parcels, in which case the sale shall, if practicable and legal, whether under said agreements and Acts of the Legislature or otherwise, be made in such parcels as may be specified in such request; and this provision shall bind the parties hereto and each and every of the holders of the debentures and coupons hereby secured, or intended so to be.

Section 6. Notice of any such sale pursuant to any provision of this indenture shall state the time and place when and where the same is to be made, and shall contain a brief general description of the property to be sold, and shall be sufficiently given if published once in each week for four successive weeks prior to such sale in a newspaper published in the City of New York, State of New York, in a newspaper published in the City of Toronto, Province of Ontario, in a newspaper published in the Town of Niagara Falls, Ontario, and in the "Ontario Gazette," or otherwise as required by law.

Section 7. The trustee from time to time may adjourn any sale by it to be made under the provisions of this indenture by announcement at the time and place appointed for such sale, or for such adjourned sale or sales; and without further notice or publication it may make such sale at the time and place to which the same shall be so adjourned.

Section 8. Upon completion of any sale or sales under the provisions of this indenture, the trustee shall cause to be conveyed, assigned, transferred and set over unto the accepted purchaser or purchasers thereof, the said real and personal property, undertaking, works, plant, rights, privileges and franchises, including the real and personal property, undertaking, works, plant, rights, privileges and franchises included in and covered by the said agreement of the 7th day of April, 1892, and the said Act of the Legislature of the Province of Ontario, 55 Victoria, Chapter 8, and all Acts and agreements in amendment, confirmation, renewal, extension or interpretation of the said agreement and Act of the Legislature, or either of them, and any and all written transfers, instruments and assignments necessary to vest the title to the same in the purchaser or purchasers, subject, however, to the prior lien, if then existing, of the said mortgage of October 1, 1901, on said property, and to all then existing rights of the trustee and of the holders of debentures (Series A and Series B) issued thereunder, and the trustee and its successors are hereby appointed the true and lawful attorney or attorneys, irrevocable, of the Canadian company, in its name and stead, to make all necessary transfers and assignments of the property thus sold; and for that purpose it and they may execute all necessary acts of assignment and transfer, the Canadian company hereby ratifying and confirming all that its said attorney or attorneys may lawfully do by virtue hereof.

Any such sale or sales made under and by virtue of this indenture, whether under the power of sale hereby granted and conferred, or under or by virtue of judicial proceedings, shall operate to divest all right, title, interest, claim and demand whatsoever, either at law

or

or in equity, of the Canadian company of, in and to the property so sold, and shall be a perpetual bar, both at law and in equity, against the Canadian company, its successors and assigns, and against any and all persons claiming or to claim the property sold or any part thereof, from, through or under the Canadian company, its successors or assigns, excepting always, however, the rights then existing of the trustee and of the holders of debentures (Series A and Series B) issued under the said mortgage of October 1, 1901.

Section 9. The receipt of the trustee shall be a sufficient discharge to any purchaser of the property, or any part thereof, sold as aforesaid, for the purchase money, and no such purchaser, or his representatives, grantees or assigns, after paying such purchase money and receiving such receipt shall be bound to see to the application of such purchase money upon or for any trust or purpose of this indenture, or in any manner whatsoever be answerable for any loss, mis-application or non-application of any such purchase money or any part thereof, or be bound to enquire as to the authorization, necessity, expediency or regularity of any such sale.

Section 10. In case of such sale, whether under the power of sale hereby granted or pursuant to judicial proceedings, or in case of a sale under any provision of the said mortgage of October 1, 1901, the principal sums of all the debentures hereby secured, if not previously due, immediately thereupon shall become due and payable, anything in said debentures to the contrary notwithstanding.

Section 11. The purchase money, proceeds and avails of any such sale of the property hereby mortgaged, whether under the power of sale hereby granted or pursuant to judicial proceedings, together with any other sums which may then be held by the trustee under any of the provisions of this indenture as part of the trust estate, or the proceeds thereof, and any moneys which may be collected by the trustee under the provisions of this indenture shall be applied as follows:—

First. To the payment of the costs and expenses of any such sale, including a reasonable compensation to the trustee, its agent, attorneys and counsel, and of all expenses, liabilities and advances made or incurred by the trustee, and any charges, prior to this indenture, upon the property sold, except charges subject to which the property shall have been sold.

Second. To the payment of the whole amount then owing or unpaid upon the said debentures hereby secured and then issued and outstanding for principal and interest, with interest at the rate of six per cent. per annum on the overdue instalments of interest; and in case such proceeds shall be insufficient to pay in full the whole amount so due and unpaid upon the said debentures, then to the payment of such principal and interest, and interest on overdue instalments of interest, without preference or priority of principal over interest or of interest over principal, or of any instalment of interest over any other instalment of interest, rateably to the aggregate of such principal and accrued unpaid interest and interest on overdue instalments of interest, subject, however, to the provisions of section 1 of this article.

Third. To the payment of the surplus, if any, to the Canadian company, its successors or assigns, or to whomsoever may be lawfully entitled to receive the same.

Section 12. In case of any sale hereunder, any purchaser, for the purpose of making settlement or payment for the property purchased, shall be entitled to turn in any of said debentures hereby secured and then outstanding, and any matured and unpaid coupons attached thereto, in order that there may be credited as paid thereon the sums payable out of the net proceeds of such sale to the holder of such debentures and coupons as his rateable share of such net proceeds, after allowing for the proportion of the total purchase price required to be paid in cash, to pay the costs and expenses of the sale, or otherwise; and such purchaser shall be credited

credited on account of the purchase price of the property purchased with the sums payable out of such net proceeds on the debentures and coupons so turned in; and at any such sale any debenture holders may bid for and purchase such property, and make payment therefor as aforesaid, and upon compliance with the terms of sale, may hold, retain and dispose of such property without further accountability therefor.

Section 13. The Canadian company covenants that (1) in case default shall be made in the payment of any interest on any debentures at any time outstanding and issued under the terms and provisions of this indenture, or on any debenture (Series A or Series B) and such default shall continue for a period of six months; or (2) in case default shall be made in the payment of the principal of any such debentures when the same shall become payable, whether at the maturity of said debentures or by declaration as authorized by this indenture, or by the said mortgage of October 1, 1901, then, upon demand of the trustee, the Canadian company will pay to the trustee for the benefit of the holders of the debentures (Series C) and coupons hereunder issued, then outstanding, the whole amount due and payable on all such debentures (Series C) and coupons then outstanding, for interest or principal, or both, as the case may be, with interest, at the rate of six per cent. per annum upon the overdue principal and instalments of interest; and in case the Canadian company shall fail to pay the same forthwith upon such demand, the trustee, in its own name, shall be entitled to recover judgment for the whole amount so due and unpaid.

The trustee shall be entitled to recover judgment as aforesaid either before or after or during the pendency of any proceedings for the enforcement of the lien of this indenture upon the mortgaged property, and the right of the trustee to recover such judgment shall not be affected by any sale hereunder or by the exercise of any other right, power or remedy for the enforcement of the provisions of this indenture or the foreclosure of the lien thereof; and in the case of a sale of the mortgaged property and of the application of the proceeds of the sale to the payment of the debt, the trustee, in its own name, shall be entitled to enforce payment of and to receive all amounts then remaining due and unpaid upon any and all of the debentures issued hereunder and then outstanding, for the benefit of the holders thereof, and shall be entitled to recover judgment for any portion of the debt remaining unpaid with interest. No recovery of any such judgment by the trustee, and no levy of any execution upon any such judgment upon property subject to the lien of this indenture, or upon any other property, shall in any manner or to any extent affect the lien of the trustee upon the mortgaged property or any part thereof, or any rights, powers or remedies of the trustee hereunder or any rights, powers or remedies of the holders of the debentures hereby secured, but such lien, rights, powers and remedies shall continue unimpaired as before.

But the holders of seventy-five per cent. in amount of the debentures hereby secured and hereunder issued and outstanding may, from time to time, modify or reverse, or otherwise direct and control, the action of the trustee in respect of any and all powers granted or conferred in or by this section.

Section 14. In case of any proceeding, foreclosure, sale of the mortgaged property or other action taken by the trustee under the said mortgage of October 1, 1901, to enforce any right or remedy of the trustee thereunder, or of the holders of any of the debentures (Series A or Series B) issued thereunder, the trustee under this indenture may join in such proceeding, foreclosure, sale of mortgaged property or other action for the purpose of enforcing any right or remedy hereunder, or any right or remedy of the holders of the debentures (Series C) issued hereunder and then outstanding, and may apply to any court of competent jurisdiction for an order, decree or judgment fixing, apportioning, setting off, decreeing or adjudging the respective damages, recoveries, remedies, right or property of the trustee under the said mortgage of October 1, 1901, and

and of the trustee hereunder and of the holders of the debentures (Series A and Series B) issued under the said mortgage of October 1, 1901, and then outstanding, and of the holders of the debentures (Series C) issued hereunder and then outstanding.

Section 15. The Canadian company will not at any time insist upon or plead or in any manner whatever claim or take the benefit or advantage of any stay or extension law now or at any time hereafter in force; nor will it claim, take or insist on any benefit or advantage from any law now or hereafter in force providing for the valuation or apportionment of the mortgaged property, or any part thereof, prior to any sale or sales thereof to be made pursuant to any provision herein contained, or to the decree of any court of competent jurisdiction; nor after any such sale or sales will it claim or exercise any right under any statute enacted by the Dominion of Canada or the Province of Ontario, or otherwise, to redeem the property so sold, or any part thereof; and it hereby expressly waives all benefit and advantage of any such law or laws; and it covenants that it will not hinder, delay or impede the execution of any power herein granted and delegated to the trustee, but that it will suffer and permit the execution of every such power, as though no such law or laws had been made or enacted.

Section 16. No holder of any debenture or coupon hereby secured shall have any right to institute any suit, action or proceeding in equity or at law for the foreclosure of this indenture, or for the collection of any sum or sums due or to grow due on such debentures, or the obtaining of any judgment therefor, or for the execution of any trust of this indenture, or for the appointment of a receiver, or for any other remedy hereunder, unless such holder previously shall have given to the trustee written notice of such default and of the continuance thereof, as hereinbefore provided; and unless also the holders of a majority in amount of the debentures hereunder issued, then outstanding, shall have made written request upon the trustee and shall have afforded to it a reasonable opportunity either to proceed to exercise the powers hereinbefore granted or to institute such action, suit or proceeding in its own name; and unless, also, they shall have offered to the trustee adequate security and indemnity against the costs, expenses and liabilities to be incurred therein or thereby; and such notification, request and offer of indemnity are hereby declared in every such case, at the option of the trustee, to be conditions precedent to the execution of the powers and trusts of this indenture and to any action or cause of action for foreclosure or for the appointment of a receiver, or for any other remedy hereunder; it being understood and intended that no one or more holders of debentures and coupons shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the lien of this indenture or to enforce any right hereunder, except in the manner herein provided, and that all proceedings at law or in equity shall be instituted, had and maintained in the manner herein provided, and for the equal benefit of all holders of such outstanding debentures and coupons.

Section 17. Except as herein expressly provided to the contrary, no remedy herein conferred upon or reserved to the trustee, or to the holders of debentures hereunder issued, is intended to be exclusive of any other remedy, but each and every such remedy shall be cumulative, and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

Section 18. No delay or omission of the trustee, or of any holder of debentures hereunder issued, to exercise any right or power accruing upon any default continuing as aforesaid, shall impair any such right or power, or shall be construed to be a waiver of any such default or acquiescence therein; and every power and remedy given by this article to the trustee or to the debenture holders may be exercised from time to time, and as often as may be deemed expedient by the trustee or by the debenture holders.

ARTICLE SIX.

Immunity of Officers, Directors and Stockholders.

No recourse under or upon any obligation, covenant or agreement of this indenture, or of any debenture or coupon hereby secured, shall be had against any stockholder, officer or director of the Canadian company, either directly or through the Canadian company, by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any statute or otherwise, it being expressly agreed and understood that this indenture, and the obligations hereby secured, are solely corporate obligations, and that no personal liability whatever to the trustee or to the holders of the debentures to be issued hereunder shall attach to or be incurred by the stockholders, officers or directors of the Canadian company, or any of them, because of the incurring of the indebtedness evidenced by said debentures, or of any other indebtedness, or under or by reason of any of the obligations, covenants or agreements contained in this indenture or in any of the debentures or coupons hereunder issued, or implied therefrom; and that any and all personal liability of every name and nature, either at common law or in equity, or by statute or constitution, of every stockholder, officer or director, is hereby expressly waived as a condition of and in consideration for the execution of this indenture and the issue of such debentures and coupons.

ARTICLE SEVEN.

Debenture Holders' Acts, Holdings and Apparent Authority.

Section 1. Any request or other instrument required by this indenture to be signed and executed by debenture holders may be in any number of concurrent instruments of similar tenor, and may be signed and executed by such debenture holders in person or by agent appointed in writing. Proof of the execution of any such request or other instrument or of a writing appointing any such agent, and of the holding by any person of debentures transferable by delivery, shall be sufficient for any purpose of this indenture, if made in the manner specified in Sections 2, 3 and 4 of this Article, and such proof shall be conclusive in favor of the trustee with regard to any action taken by it under such request or other instrument.

Section 2. The fact and date of the execution by any person of any such request or other instrument or writing may be proved by the certificate of any notary public or other officer authorized to take acknowledgments of deeds to be recorded in the Province of Ontario or in the City of New York, that the person signing such request or other instrument acknowledged to him the execution thereof, or by an affidavit of a witness of such execution.

Section 3. The amount of debentures transferable by delivery, held by any person executing any such request or other instrument as a debenture holder, and the amounts and issue numbers of the debentures held by such person, and the date of his holding the same, may be proved by certificate executed by any trust company, bank, bankers, or other depository (wherever situated) if such certificate shall be deemed by the trustee to be satisfactory, showing therein that at the date therein mentioned such person had on deposit with such depository the debentures described in such certificate. The ownership of registered coupon debentures shall be proved by the registers of such debentures, as provided in Section 11 of Article Two hereof.

Section 4. The bearer of any debenture hereby secured at the time which shall not be registered as hereinbefore authorized, and the bearer of any coupon for interest on any such debenture, whether the same shall be registered or not, may be deemed and treated

treated by the Canadian company and the trustee as the absolute owner of such debenture or coupon, as the case may be, for the purpose of receiving payment thereof and for all other purposes, and no notice to the contrary shall affect the Canadian company or the trustee.

The Canadian company and the trustee may deem and treat the bearer of any debenture hereby secured which shall not at the time be registered as hereinbefore authorized, and the bearer of any coupon for interest on any such debenture, whether such debenture shall be registered or not, as the absolute owner of such debenture or coupon, as the case may be, for the purpose of receiving payment thereof and for all other purposes, and neither the Canadian company nor the trustee shall be affected by any notice to the contrary.

The Canadian company and the trustee may deem and treat the person in whose name any debenture shall be registered as the absolute owner thereof for the purpose of receiving payment of or on account of the principal thereof, and for all other purposes except to receive payment of interest represented by the outstanding coupons, and all such payments so made to any such registered holder for the time being or upon his order shall be valid and effectual to satisfy and discharge the liability upon such debenture to the extent of the sum or sums so paid.

ARTICLE EIGHT.

Concerning the Trustee.

Section 1. The trustee shall not be answerable for the default or misconduct of any agent or attorney appointed by it in pursuance hereof, if such agent or attorney shall have been selected with reasonable care; or for anything whatever in connection with this trust except wilful misconduct or gross negligence. The trustee shall not be under any obligation to take any action towards the execution or enforcement of the trusts hereby created, which in its opinion, shall be likely to involve it in expense or liability, unless one or more of the holders of the debentures hereby secured shall, as often as required by the trustee, furnish it reasonable indemnity against such expense or liability; nor shall the trustee be required to take notice of any default hereunder unless notified in writing of such default by the holders of at least twenty-five per cent. in amount of the debentures hereby secured then outstanding, or to take any action in respect of any default unless requested to take action in respect thereof by a writing signed by the holders of not less than a majority in amount of the debentures hereby secured, then outstanding, and tendered reasonable indemnity as aforesaid, anything herein contained to the contrary notwithstanding; but the foregoing provisions of this section are intended only for the protection of the trustee, and shall not be construed to limit or affect any discretion or power by any provision of this indenture given to the trustee to determine whether or not it shall take action in respect of any default, or any power or discretion of the trustee to take action in respect of any default without such notice or request from debenture holders.

Any action taken by the trustee upon the request of any person who at any time is the owner of any debenture or debentures or coupon or coupons secured hereby shall be conclusive and binding upon all future owners of the same debenture or debentures, coupon or coupons.

The trustee shall be entitled to reasonable compensation, including counsel fee, for all services rendered by it in the execution of the trusts hereby created, and the Canadian company agrees to pay such compensation, as well as all expenses necessarily incurred

or

or disbursed by the trustee hereunder, and for such compensation and expenses a first lien is hereby imposed in favor of the trustee upon all the property hereby mortgaged.

The recitals of fact herein contained and contained in debentures hereby secured shall be taken as statements of the Canadian company, and shall not be construed as made by the trustee.

In case at any time it shall be necessary and proper for the trustee to make any investigation respecting any facts preparatory to taking or not taking any action, or doing or not doing anything, as such trustee, the certificate of the Canadian company under its corporate seal, attested by the signature of its president or vice-president, and the affidavit of one or more of its directors, shall be conclusive evidence of such fact to protect the trustee in any action that it may take by reason of the supposed existence of such fact.

The trustee shall incur no liability to anybody in acting upon any notice, request, consent, certificate, bond, document, order, resolution or other paper believed by it to be genuine and to have been signed by the proper person, and the trustee may in its discretion advise with legal counsel to be selected and employed by it at the expense of the Canadian company, and anything done or suffered in good faith by the trustee in accordance with the opinion of counsel shall be conclusive in favor of the trustee on the Canadian company and on all holders of debentures and coupons secured hereby.

Any money received by the trustee under any provision of this indenture may be treated by it, until it is required to pay out the same conformably herewith, as a general deposit without liability for interest save such as during that time may be specifically agreed upon, or in default of such agreement as it allows to its general depositors.

It shall be no part of the duty of the trustee to see that any of the property intended to be granted or mortgaged hereunder is legally subjected to the lien hereof.

The trustee may become the owner of debentures and coupons secured hereby with the same rights as it would have if it were not trustee.

The duties of the trustee to the Canadian company and to the holders of debentures and coupons secured hereby shall be determined solely by this instrument and the laws of the Province of Ontario or the Dominion of Canada.

The trustee accepts the trust hereby created upon the express condition that it shall under no circumstances be held answerable or liable for or on account of any matter whatsoever connected with the premises except to answer and account for money actually by it received, it being expressly understood and agreed that the liability of the trustee is strictly limited to its duty to account for funds placed in its hands, but no other liability on the part of the trustee is created or exists by or by reason of this instrument or any recitals, statements, matters or things in this instrument contained.

The trustee assumes no responsibility either as to present or future condition of the real or personal property hereby conveyed or intended so to be or for any loss in respect thereof from any cause whatever, nor is the trustee obliged to see to the requirements of any laws affecting such real or personal property, or the transfer, conveyance or mortgaging of the same, or the registration or filing of this present instrument or any other or future instruments.

Section 2. The trustee, or any trustees hereafter appointed, may resign and be discharged from the trusts created by this indenture, by giving notice thereof to the Canadian company and to the debenture holders, by publication, at least twice a week, for

four successive weeks, in one newspaper at that time published in New York, N.Y., or published in Toronto, Ontario, and by compliance with section 3 of this article.

The trustee may be removed at any time by an instrument in writing under the hands of seventy-five per cent. in amount of the holders of the debentures hereunder issued and then outstanding.

Section 3. In case at any time the said The Toronto General Trusts Corporation, or any trustee hereafter appointed, shall resign or be removed or otherwise become incapable of acting, a successor or successors may be appointed by the holders of a majority in amount of the debentures hereunder issued then outstanding, by an instrument or concurrent instruments signed by such debenture holders or their attorneys in fact duly authorized; provided, nevertheless, and it is hereby agreed and declared that, in case at any time there shall be a vacancy in the office of trustee hereunder, the Canadian company, by an instrument executed by order of its board of directors, may appoint a trustee to fill such vacancy until a new trustee shall be appointed by the debenture holders, as herein authorized. Thereupon the Canadian company shall publish notice of such appointment once a week for six successive weeks in a newspaper published in the City of New York, N.Y., or published in Toronto, Ontario, and any new trustee, so appointed by the Canadian company shall immediately and without further act be superseded by a trustee appointed in the manner above provided by the holders of a majority in amount of the debentures hereunder issued and outstanding prior to the expiration of six months after such publication of notice. Every such trustee appointed in place of The Toronto General Trusts Corporation, or its successor in the trust, shall always be a trust company in good standing, doing business in the City of Toronto, and having a capital and surplus aggregating at least \$1,000,000, if there be such a trust company willing and able to accept the trust upon reasonable or customary terms.

Any such new trustee appointed hereunder shall execute, acknowledge and deliver to the trustee last in office, and also to the Canadian company, an instrument accepting such appointment hereunder, and thereupon such new trustee, without any further act, deed or conveyance, shall become vested with all the estates, properties, rights, powers, trusts and duties of its predecessor in the trusts hereunder, with like effect as if originally named as trustee herein; but the trustee ceasing to act shall, nevertheless, on the written request of the new trustee, and upon being paid its proper compensation as well as any costs, charges and expenses properly incurred by it in and about the trust, execute and deliver an instrument transferring to such new trustee, upon the trust herein expressed, all the estates, properties, rights, powers and trusts of the trustee so resigning or removed, and shall duly assign, transfer and deliver any property and moneys held by such trustee to the new trustee so appointed in its place.

Should any deed or other instrument in writing from the Canadian company be required by any new trustee, for more fully and certainly vesting in and confirming to such new trustee such estate, rights, powers and duties, any and all such deeds or other instruments in writing shall on request be made, executed, acknowledged and delivered by it.

ARTICLE NINE.

Defeasance and Discharge.

If, when the debentures hereby secured shall become due and payable, the Canadian company shall well and truly pay, or cause to be paid, the whole amount of the principal moneys and the interest due upon all of the debentures, and the coupons for interest thereon, hereby secured, and then outstanding, or shall provide for such payment by depositing with the trustee hereunder for the

the payment of such debentures and coupons the entire amount due thereon for principal and interest, and also shall pay or cause to be paid all other sums payable hereunder by the Canadian company, and shall well and truly keep and perform all the things herein required to be kept and performed by it according to the true intent and meaning of this indenture, then and in that case, all property, rights and interests hereby conveyed, assigned or transferred shall revert to the Canadian company, and the estate, right, title, and interest of the trustee thereupon shall cease, determine and become void, and in such case, on demand of the Canadian company and at its costs and expense, and upon payment to the trustee of its proper compensation as well as any costs, charges and expenses properly incurred by it in and about the trust, the trustee shall make, execute and deliver to the Canadian company a full release, satisfaction and discharge hereunder and hereof proved and acknowledged in the manner required for the record of instruments affecting real or personal property, and shall surrender to the Canadian company any property (including moneys) then held by the trustee hereunder.

The Toronto General Trusts Corporation, party of the second part, hereby accepts the trusts in this indenture declared and provided, and agrees to perform the same upon the terms and conditions herein set forth.

In witness whereof, the Canadian Niagara Power Company, the party hereto of the first part, has caused this indenture to be signed and acknowledged by its president and its corporate seal to be hereunto affixed and the same to be attested by the signature of its secretary; and The Toronto General Trusts Corporation, the party of the second part, has caused its corporate seal to be hereunto affixed and attested by its secretary, and these presents to be signed and acknowledged or proved by its managing director and president.

CANADIAN NIAGARA POWER COMPANY,
(Corporate Seal.) By W. H. BEATTY,
President.

Attest:
A. MONRO GRIER,
Secretary.

THE TORONTO GENERAL TRUSTS CORPORATION,
(Corporate Seal.) By J. W. LANGMUIR,
Managing Director.

JOHN HOSKIN,
President.

Attest:
JOHN V. REID,
Secretary.

CHAPTER 114.

An Act to Incorporate The Current River Power Company.

Assented to 20th April, 1907.

WHEREAS Joseph Kilgour, George Thomas Marks, Preamble
 Hamilton Cassels, Richard Scougall Cassels and
 William Hunt Langlois have, by their petition, prayed for
 an Act to incorporate themselves and others for the purpose
 of developing a water power and producing, transmitting
 and disposing of electrical power or energy as is hereinafter
 set out; and whereas it is expedient to grant the prayer of
 the said peititon;

Therefore His Majesty, by and with the advice and con-
 sent of the Legislative Assembly of the Province of On-
 tario, enacts as follows:—

1. The said Joseph Kilgour, George Thomas Marks, Petitioners
 Hamilton Cassels, Richard Scougall Cassels and William incorporated
 Hunt Langlois and such other persons as shall hereafter as a company.
 become stockholders of the said company, shall be and are
 constituted a body corporate and politic by the name of
 "The Current River Power Company."

2. The capital stock of the said company shall be limited Capital stock.
 to \$250,000.

3. The said Joseph Kilgour, George Thomas Marks, First
 Hamilton Cassels, Richard Scougall Cassels and William directors.
 Hunt Langlois shall be the provisional directors of the said
 company, and three of the directors shall constitute a
 quorum.

4. The company may take over, purchase, lease and de- Power to
 velop any lands, water powers or water privileges situate acquire lands,
 in the District of Thunder Bay and may also take over, etc.
 purchase, lease and develop any property, rights and privi-
 leges in connection therewith and do all other things for
 the production, transmission, sale and disposal of electrical
 power

power and energy to municipal and other public bodies, and to corporations, firms and individuals.

Erection of
poles and
wires.

5. The company shall, with the consent of the council expressed by by-law duly approved of by the electors, have power to erect poles and string wires upon and along so many of the streets, squares, highways, lanes and public places of the Town of Port Arthur, the Municipality of Shuniah, and other municipalities adjacent thereto as may be agreed upon.

Liability in
respect of land
injured.

6. For all lands flooded by reason of any of the dams or other works of the company, and which lands have been patented or agreed to be sold by the Crown, the company shall make compensation to the owners thereof for the injury done to said lands, such compensation, if not mutually agreed upon, to be determined by arbitration in the same manner as under the provisions of *The Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water* in that behalf.

Agreements
with municip-
alities.

7. The said company, on the one part, and any public corporation or body or any municipal corporation (the assent of the duly qualified ratepayers thereof having been first obtained for such purpose) on the other, may enter into and carry into effect contracts and agreements for any period not exceeding ten years, for and with respect to the supply to such corporation or body of electric power and any fittings required therefor.

Payments may
be made in
stock.

8. The company may issue paid-up shares of the capital stock thereof to any person or body corporate in payment of all purchases or contracts, and generally for all lands, privileges, patent rights, material, work and services for which it shall be obliged to pay.

Issue of bonds
and debentures.

9.—(1) In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds of the shareholders present in person or by proxy, at a general meeting held for consideration of the by-law, the directors may, from time to time, borrow money upon the credit of the company, and issue bonds, debentures and other securities of the company, and may sell the said bonds, debentures and other securities at such prices as may be deemed expedient, or be necessary, but no such debentures shall be for a less sum than \$100.

(2) The directors may, under a like sanction from time to time, hypothecate, mortgage or pledge the real or personal property of the company to secure any sum or sums borrowed for the purposes thereof, provided that the said issue of bonds, debentures or mortgages shall not exceed the sum of \$250,000 at any one time.

10. Nothing in this Act contained shall be held or construed to affect the rights or interests, if any, of parties in any action, litigation or proceeding now pending but the same may be proceeded with and finally determined by the court or judge in all respects as though this Act had not been passed.

Pending litigation not affected.

11. Nothing in this Act shall be held or construed to impair or in any way affect the rights, if any, as to the storage of water in Current River and its tributaries, or the right, if any, to receive an uninterrupted flow of water at its development works which the Town of Port Arthur now has.

Rights of Port Arthur not to be affected.

CHAPTER 115.

An Act to authorize the Mercantile Trust Company of Canada, Limited, to do business in the Province of Ontario.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Mercantile Trust Company of Canada, Limited, (hereinafter called "The Company") has by its petition represented that it was incorporated on the 12th day of November, 1906, by the Dominion of Canada by Letters Patent under the provisions of *The Companies Act, 1902*, and amending Acts, with its head office fixed at the City of Hamilton, in the Province of Ontario, and with an authorized capital of \$250,000; and whereas the Company has prayed for the passing of an Act authorizing it to transact only the business of a Trust Company, in the Province of Ontario, in conformity to the public general law thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Company authorized to carry on business in Ontario on complying with certain conditions.

Rev. Stat. c. 205.

Rev. Stat. c. 206.

1.—(1) The Company as soon as at least \$200,000 of its capital stock has been subscribed for and allotted, and the sum of at least \$100,000 paid into the Company in respect thereof, and as soon as the same has been proved to the satisfaction of the Registrar of Loan Corporations shall be admissible to registry under *The Loan Corporations Act*, and upon being registered under the said Act shall be authorized and empowered to carry on and exercise in the Province of Ontario, the business of a Trust Company with the powers set forth in the schedule to *The Ontario Trust Companies Act*. And the Lieutenant-Governor may by Order-in-Council approve of the said Company being accepted by the High Court as a Trusts Company for the purposes of such Court; and the said Court or any Judge thereof, and every other Court or Judge

Judge having authority to appoint such an officer, may with the consent of the Company appoint the said Company to exercise any of the offices of Executor, Administrator, Trustee, Receiver, Assignee, Guardian of a Minor or Committee of a Lunatic in respect of any estate or person under the authority of such Court or Judge, or may grant to the said Company probate of any will in which said Company is named as executor.

(2) All the investments of the Company in respect of all trust business entrusted to it in the Province of Ontario, shall (subject to the provisions as to investments contained in the deed, will or other instrument of trust, and subject to the direction, if any, of the High Court of Justice, or of any Judge thereof) be wholly invested at the head office in Ontario, or at one of the agencies of the Company in the said Province; and the trust securities representing such investments from time to time shall be held and retained at all times at the said head office, or at one of such agencies, and under the control of the Courts of the said Province. The said trust securities shall (subject to the provisions of the said instrument of trust) be securities in which trustees are by the law of the said Province authorized to invest trust funds.

Investments of Company, how and where to be made.

(3) The Company shall be limited in respect of all business relating to property, rights or interests in the Province of Ontario, to the powers mentioned in the schedule to *The Ontario Trust Companies Act*, and shall be subject to the general provisions of the said Act, and of the general public law of the said Province relating to trust companies and trusts.

Business to be carried on in conformity with Rev. Stat. c. 206.

(4) The Company shall not issue debentures.

Debentures not to be issued.

2.--(1) The money and securities of each trust shall always be kept distinct from those of the Company, and in separate accounts, and so marked in the books of the Company for each particular trust as always to be distinguished from any other in the registers, and other books of account kept by the Company, and at no time shall trust moneys form part of or be mixed with the general assets of the Company.

Separate accounts for each trust to be kept, etc.

(2) Moneys, properties and securities received or held by the Company upon trust or as agent of any person or corporation shall not be liable for the debts or obligations of the Company.

Trust moneys, etc., not to be liable for debts of Company.

3. In case of the appointment of the Company to any trust or office by any Court or Judge in Ontario, such Court or Judge may at any time, and from time to time, require the Company to render an account of its administration of the particular trust or office to which the Company

Power of Court or Judge to order Company to account for administration of trust, etc.

pany has been so appointed, and a Judge of the High Court may also at any time and from time to time, appoint a suitable person to investigate the affairs and management of the Company, and as to the security afforded to those by or for whom its engagements are held, and such person shall make his report to such Court or Judge, and the costs and expenses of such investigation shall be borne as ordered by such Court or Judge.

CHAPTER 116.

An Act to incorporate the Policyholders' Mutual Life Insurance Company.

Assented to 20th April, 1907.

WHEREAS John J. Main, Manufacturer, Arthur C. Pratt, Manager; Charles A. Wilson, Merchant; Charles Bonnick, Manager; Bartholomew E. McKenzie, Physician; Arthur M. Featherston, Manager; and Alfred William Briggs, Barrister, have, by their petition, prayed for the incorporation of a company in the name, style and title of the "Policyholders' Mutual Life Insurance Company," for the purpose of carrying on a general life insurance business as hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The petitioners hereinbefore named, together with such other persons as now are or shall hereafter become members of the said company, shall be and are hereby constituted a body corporate under the name of the "Policyholders' Mutual Life Insurance Company," hereinafter called "the company."

2. The company, subject to the provisions of this Act, and of *The Ontario Insurance Act* and of any public general Act of the Province relating to insurance from time to time in force, may transact the business of life insurance in all its branches.

3. The head office of the company shall be in the City of Toronto, in the County of York.

4. Any individual or corporation who is a legal or beneficial holder of a policy of insurance in the company for \$1,000 or more, or who is a holder of one or more shares in

the company, and who shall have paid all due premiums or calls thereon respectively, shall be a member of the company.

Capital stock. 5.—(1) The authorized capital stock of the company shall be \$150,000, which may be increased to an amount not exceeding \$300,000, by a by-law in that behalf passed by the board of directors and confirmed by a general meeting of the company (annual or special), and thereafter assented to by the Lieutenant-Governor of Ontario in Council: Provided that at least ten days before the day appointed for the holding of such general meeting of the company, a copy of such by-law with notice of the time and place appointed for its consideration shall be mailed to each member of the company at his address last known to the company.

Par value of shares. (2) Each share of the capital stock of the company shall be for \$100; and no share or shares of the capital stock shall be issued or sold by the company at a discount. The liability of any holder of shares shall be limited to the amount (if any) remaining unpaid upon the shares held by him.

Calls upon stock. (3) In respect of the amount (if any) remaining unpaid on shares the directors shall have power to make calls upon the shareholders of the company for such sums and at such times as they shall deem proper for the purposes of the company, and to sue for and enforce the payment of the same; they may also declare all shares forfeited on which such calls have not been duly paid and may re-allot or sell the same or any part thereof for the benefit of the company to any other person or persons: Provided that no call on a share shall exceed in amount twenty per centum of the par value of the share and the premium (if any) thereon; and that no two successive calls shall be payable at a less interval than sixty days.

Redemption of shares. (4) The issued shares of the capital stock may after the first day of July, 1912, and after the drawing of lots (as hereinafter provided) be redeemed by the company out of the accumulated surplus fund of the company: Provided that no redemption shall be made unless proper provision then exists for the deposit and for the policy reserve required by the Insurance Department of Ontario.

Shares to be numbered and the numbers recorded. (5) All shares of the capital stock of the company shall at their issue be numbered consecutively and so that no two shares shall bear the same number. The proper number of each share shall be recorded on the share-register of the company: also each share-certificate shall state the proper numbers of the several shares included in such certificate.

(6) Subject as hereinbefore provided, as soon after the 1st day of July, 1912, as the accumulated surplus fund shall in the opinion of a general meeting of the company warrant it, a number of the issued shares of the capital stock, not exceeding one-fifth of the total number issued, may be redeemed by the drawing of numbered lots, and the lots drawn from shall bear respectively the numbers of the shares then redeemable; and such drawing of lots, hereinafter called share-lots, shall be held at the next ensuing annual meeting. Similarly thereafter from year to year, subject as hereinbefore provided, and if in the opinion of a general meeting of the company the surplus fund of the company warrants it, an equal or less number of shares may be drawn and redeemed until the whole issued capital stock of the company shall have been paid off.

Drawing of
shares for
redemption.

Subsequent
drawings.

(7) Notice of intention to draw shares for redemption shall be given in each notice calling the meeting; and at the meeting appointed for the drawing and before the drawing, the members shall choose a person who shall draw the share-lots, and also shall choose two or more other persons to act as scrutineers of the drawing. The scrutineers shall examine and verify the share-numbers on the share-lots, and shall report in writing to the meeting the numbers of the several shares drawn for redemption, and shall over their signatures certify on the share-register of the company the numbers of the shares so drawn for redemption and the date of the drawing.

Notice of
drawing.

Conduct of
drawing.

Record of
drawing.

(8) Any share drawn for redemption shall on the company's next ensuing regular dividend day become repayable to the person entitled to surrender the share and give the company a valid discharge therefor; and the share shall be redeemed and paid off by repaying to such person the whole amount paid to the company on the share, without any premium, but with the dividend (if any) then due thereon; and after the said dividend day all dividends shall cease on the shares drawn for redemption.

Repayment
of drawn
shares.

(9) Notice specifying the numbers of the shares drawn for redemption shall be given by advertisement published in at least one Toronto daily newspaper, and such advertisement shall be published at least once a week for at least four weeks prior to the day on which in terms of the next preceding subsection the shares shall become repayable; and the notice shall specify such repayment day and the place at which shares are to be presented for repayment. Thirty days' notice specifying the same particulars shall be sent by letter post-paid to the address last known to the company of each holder of shares so drawn for redemption.

Notice to be
given of drawn
shares.

(10) Until the redemption of the last of the issued shares of capital stock, the board of directors may, subject as here-

Dividends
upon undrawn
shares.

inbefore

inbefore enacted, and after making proper provision for the debts and liabilities of the company pay out of the earned profits of the company dividends on the shares then remaining undrawn for redemption; but such dividends shall not in any year exceed the rate of ten per centum per annum computed on the amount of capital paid to the company on such shares. Out of the remaining profits the board of directors may carry to a contingent fund and to the accumulated surplus fund such respective portions of the profits as the board may determine; after which the profits then remaining unappropriated shall belong exclusively to the policyholders and shall be divided annually among them in proportion to the policy reserves called for by their several policies on the next preceding thirty-first day of December.

Balance of profits how to be applied.

Voting by shareholders.

6.—(1) A shareholder of the company shall be entitled at all general meetings of the company to give, either in person or by proxy, one vote for each share held by him, all calls having been previously paid on the shares voted on.

Voting by policyholders.

(2) Each holder of a policy of the company upon which all premiums due and payable have been paid shall at all general meetings of the company have one vote for each \$1,000 of insurance so held by him. Such policyholder may vote in person at the meeting. In the alternative, he may vote by sending to the company a statement signed in his handwriting in the presence of a subscribing witness who shall not be a director, officer, agent or employee of the company, stating the person or persons in favour of whom, or the resolution, motion or proposal for or against which, he desires to vote; and at that meeting or at any adjournment thereof he shall be counted as voting accordingly.

Scrutineers of votes at general meetings.

(3) Before any votes are taken at any general meeting, scrutineers, at least two in number, shall be elected by ballot at the meeting; and the scrutineers so elected shall supervise the voting at such meeting, collect the ballots or voting papers, count the votes, and in each case report in writing over their signatures the result of the meeting.

Preservation of ballots or voting papers.

(4) The ballots or papers collected in respect of each separate matter voted upon, after being duly counted and reported on by the scrutineers shall be by them sealed up in a package which having been endorsed with their signatures, and a memorandum of the matter voted on, shall be preserved until after the next ensuing annual general meeting.

The Company to transact business only if and while licensed.

7.—(1) The company shall not undertake or transact insurance unless and until the company is licensed under *The Ontario Insurance Act*; and the company shall continue

tinue to undertake or transact insurance only so long as the company continues licensed under that Act.

(2) Before being entitled to initial license the company shall prove to the satisfaction of the Insurance Department that at least \$100,000 of the capital stock of the company has been subscribed for *bona fide*; and that at least thirty per centum has been paid in thereon; also that applications have been made and provisionally accepted by the provisional directors for life insurances amounting to at least \$200,000.

Preliminaries to initial license.

(3) The initial deposit of the company under *The Ontario Insurance Act* shall be \$25,000, and the company's deposit shall from time to time be readjusted as provided by section 41 of the said Act.

Deposit.

8.—(1) The seven petitioners hereinbefore named shall be provisional directors of the company and shall hold office until their successors are elected.

Provisional Directors.

(2) Within sixty days from the date of the initial license issued to the company under *The Ontario Insurance Act* there shall be a general meeting of the company at which there shall be elected from among the members six, nine, twelve, or fifteen directors each of whom shall at the time of his election and during his continuance as director be qualified as hereinafter enacted. The same general meeting shall (pursuant to the provisions of *The Ontario Insurance Act* in that behalf) elect, and fix the remuneration of, two auditors who shall audit the books and accounts of the company for and during the year ending on the then next ensuing thirty-first day of December, and shall make their report to the board to be laid before the next annual general meeting of the company.

First general meeting.

Election of directors.

Election of auditors.

(3) Every director shall be a member of the company and during his term of office either shall be insured in the company for at least \$5,000, or shall *bona fide* hold in his own right and to his own use shares in the capital stock of the company to the amount of at least \$1,000.

Director's qualification.

(4) Of the said directors so constituting the board, so long as the subscribed capital stock of the company remaining unredeemed exceeds \$25,000, there shall be elected from among the shareholders of the company one director for each complete \$25,000 of the said subscribed and unredeemed capital stock; all the remaining directors may be elected indifferently from either shareholding or policyholding members.

Certain number of directors to possess stock qualification

(5) Of the said directors so constituting the board one-third shall retire annually in rotation, but if otherwise duly qualified shall be eligible for re-election. At the first meeting of the board, elected under subsection 2 of this section

Directors to retire in rotation.

section, it shall be determined by lot which of the directors shall hold office for one, two, or three years respectively and the determination shall be entered upon record as part of the minutes of the said first meeting of the board.

Subsequent elections.

(6) At every annual general meeting of the company held thereafter, an election shall be held by ballot to fill for a period of three years, or as the case may be for the then unexpired portion of a term of three years, the places of retiring directors. The general meeting shall also elect and fix the remuneration of the auditors for the current year.

Notice of annual general meeting to include certain particulars.

(7) In every notice calling an annual general meeting of the company, which shall be given at least twenty-one days before the day appointed for the meeting, the notice *inter alia* shall specify the vacancies on the board which are to be filled by election at the said meeting; also the names and addresses of persons nominated for the said vacancies by nomination papers bearing each the signatures of ten or more members; also the names and addresses of the then directors, and the dates respectively when their terms of office expire.

Vacancies in directorate how filled.

(8) If a vacancy happens among the directors during the term for which they have been elected, the vacancy may be filled until the next annual general meeting by the majority of the remaining directors appointing a duly qualified person; such appointee shall hold office until the next annual general meeting of the company, when the vacancy shall be filled by election for the portion of the term then still unexpired.

Quorum of board.

Quorum of general meeting.

(9) At any meeting of the board five directors shall be a quorum. At any general meeting of the company, annual or special, ten members present in person shall be a quorum.

Annual general meetings.

9.—(1) The annual general meeting of the company shall be held in the City of Toronto on the last Wednesday of the month of January of each year. The board of directors shall submit to the meeting a full statement of the affairs and financial condition of the company. Such statement shall, *inter alia*, show the assets and the liabilities of the company as at the next preceding thirty-first day of December; also the cash receipts and the cash expenditure of the company for the year ended on that day. The board shall also lay before the meeting the report of the auditors for the said year.

Special general meetings.

(2) Special general meetings of the company shall be called and held on a resolution of the board passed in that behalf; or upon the requisition of at least twenty-five mem-

bers

bers of the company holding in all therein at least \$50,000 of the capital stock or at least \$50,000 of life insurance. Any such resolution or requisition shall specify the purpose of the meeting required, and any such requisition shall be signed by the members making the same and shall be delivered at the company's office. The requisition may consist of several documents to the like effect, each signed by one or more of the requisitionists. The business transacted at a special general meeting shall be limited to the purpose stated in the resolution or requisition and in the notice calling the meeting.

10.—(1) The directors shall from their own number elect a president and vice-presidents, not more than two in number; and may also from their own number or otherwise appoint a manager. The board shall have authority to appoint agents, medical referees and such other officers and employees as are necessary, and to prescribe their duties, fix their compensation, take security for the faithful performance of their respective duties and remove them and appoint others.

Election of officers of the board; appointment, etc., of employees.

(2) The board may out of the general funds of the company pay the reasonable and proper expenses of, or incidental to, the incorporation of the company.

Expenses of incorporation.

(3) The board may determine the amount of the contracts to be undertaken, may prescribe tables of rates and premiums, and may as to further contracts vary such rates and premiums from time to time.

Tables of rates and premiums

(4) The board may hold regular meetings as the board shall prescribe, and hold special meetings at the call of the president or acting president.

Meetings of board.

(5) The board may appoint, from among the directors, an executive committee and other committees with such lawful powers and duties as the board may from time to time confer and impose on them, but all committees shall at all times and in regard to all their acts and duties be subject to the control of the board.

Committees of board.

11. Except as to matters expressly provided for herein *The Ontario Insurance Act* shall apply to the company as fully as if the company had been incorporated under that Act.

Rev. Stat., c. 203, to apply to Company.

CHAPTER 117.

An Act respecting The Superior Copper Company,
Limited.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Superior Copper Company, Limited, was incorporated under the provisions of *The Ontario Companies Act* and *The Ontario Mining Companies Incorporation Act* by letters patent under the Great Seal bearing date the 6th day of September, 1901, with an authorized capital stock of \$1,500,000 divided into 150,000 shares of \$10 each; and whereas on the 29th day of July, 1903, supplementary letters patent were issued to the said company under the Great Seal empowering the said company to increase its capital stock from the sum of \$1,500,000 to the sum of \$2,000,000 by the issue of 50,000 shares of new stock of \$10 each; and whereas the shareholders in the said company have paid to the company upon or in respect of their respective shares of stock therein less than the par value of the said shares and the certificates issued by the company for such shares have upon them printed in red ink the words "subject to call," and notwithstanding this a question has arisen owing to the form of the certificates as to the right of the company to levy assessments for the unpaid portion of the shares; and whereas at a meeting of the shareholders duly called for considering the question of such assessments a resolution was passed directing the company to apply for an Act empowering it to levy such assessments, and the company has by its petition prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Shares subject
to call.

1. It is hereby declared that the shares of stock issued by the said company upon which less than the par value has been paid to the company are subject to call and assessable.

2. The said company may for the general purposes of the company levy assessments on the shareholders of the said company and make calls upon the share or shares of stock held or to be held by such shareholders, but so that the call or calls so to be made together with any sum already paid to the company upon or in respect of any share shall not in any case exceed the par value of such share.

Power to make assessments and calls on stock.

3. The said assessments and calls on stock may be made from time to time as may be provided by by-laws passed from time to time by the directors of the said company, and in the event of default being made in the payment of any such calls or assessments by any shareholder then such shares held by such shareholder so in default may be sold and disposed of in accordance with the provisions contained in subsections 4 and 5 of section 5 of *The Ontario Mining Companies Incorporation Act*.

Time for making assessments and calls.

4. The said company shall within ten days after the passing of this Act mail to each shareholder at his last address appearing on the books of the company a notice containing the wording of section 5 hereof.

Notice to shareholders.

5. Nothing in this Act contained shall affect or apply to any shares of stock in The Superior Copper Company, Limited, which in any action brought within two months after the passing of this Act by any shareholder against the said company may be declared by the court or judge to be fully paid-up and non-assessable.

Right of shareholders bringing action not affected.

CHAPTER 118.

An Act representing the Title and Trust Company.

Assented to 20th April, 1907.

Preamble.

WHEREAS the Title and Trust Company has by petition represented that the said Company was incorporated by an Act of Parliament of Canada, being Chapter 162 of the Acts passed in the year 1905 with power to carry on business throughout the Dominion of Canada as a title insurance and trust company; and whereas it appears that by the said Act of incorporation the provisions of *The Insurance Act*, being Chapter 124 of The Revised Statutes of Canada, are made to apply to the company with respect to its business of title insurance; and whereas by section 19 of the said Act the company was required to make an initial deposit with the Receiver-General of \$50,000 for a license to carry on the said business of title insurance; the said deposit to be increased to \$75,000 within two years from the date of the issue of such license and to be further increased as the Treasury Board may from time to time require; and whereas by section 10 of the said Act of incorporation the said company was further authorized in connection with and as ancillary to its business of title insurance to carry on business and exercise the powers of a trust company as set out in the said section; and whereas the said company has prayed that authority may be given for registration of the company under *The Ontario Insurance Act* in order that it may carry on the business of title insurance in the Province of Ontario and also under *The Loan Corporations Act* in order that it may carry on business in Ontario as a trust company; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Company authorized to carry on title insurance business in Ontario.

1. Notwithstanding anything contained in *The Ontario Insurance Act* the Title and Trust Company shall be entitled to be registered under the said Act and to receive a license

license to carry on the business of title insurance in the Province of Ontario upon paying the proper fees in that behalf and upon making such deposit as the Lieutenant-Governor in Council may require and subject to such conditions as he may direct.

2. The said deposit shall be increased from time to time as the Lieutenant-Governor in Council may by Order in Council require, and in case the increased amount of deposit is not made the said license shall thereupon be suspended.

Increase of deposit.

3. Notwithstanding anything in *The Loan Corporations Act* or any other Act of the Province of Ontario contained the Title and Trust Company upon paying the proper fees in that behalf and upon furnishing such security as may be prescribed by the Lieutenant-Governor in Council shall be entitled to be entered on The Trust Companies' Register under *The Loan Corporations Act* and may be authorized by the Lieutenant-Governor in Council to exercise within the Province of Ontario the powers conferred by the said Act of incorporation, which Act is set out in the schedule hereto and the powers set out in the schedule to *The Ontario Trust Companies Act*, but save where inconsistent with the said Act of incorporation or with this Act the provisions of *The Ontario Trust Companies Act* shall apply to the said company as if the same had been incorporated under *The Ontario Companies Act*.

Powers of company as a trust company

Rev. Stat. c. 205.

Rev. Stat. c. 206.

4. The said company shall not issue bonds, debentures or negotiable securities.

Company not to issue bonds, etc.

SCHEDULE "A."

AN ACT TO INCORPORATE THE TITLE AND TRUST COMPANY.

Whereas a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Thomas Jenkins, James Hardy, William James Clark, Samuel John Frame and Arthur James Hardy, all of the City of Toronto, together with such persons as become shareholders in the company, are incorporated under the name of "The Title and Trust Company," hereinafter called "The Company."

2. The persons named in section 1 of this Act shall be the provisional directors of the company, a majority of whom shall be a quorum.

3. The capital stock of the company shall be one million dollars, divided into shares of one hundred dollars each.

4. The head office of the company shall be in the City of Toronto, but the directors may establish branch offices and local directorates at such other places as they determine.

5. The business of the company shall be managed by a board of not less than five nor more than twenty directors, of whom a majority shall be a quorum.

(2) No shareholder shall be eligible for election as a director unless he holds in his own right at least twenty shares upon which all calls have been paid; and if any director makes any assignment for the benefit of creditors or comes within the operation of any insolvent law then in force, or ceases to hold twenty shares in his own right, he shall, *ipso facto*, cease to be a director.

6. So soon as one hundred thousand dollars of the capital stock has been subscribed, and twenty per cent. thereof has been paid in cash into some chartered bank in Canada, to be withdrawn only for the purposes of the company, the directors shall call a general meeting of the shareholders, for the purpose of passing by-laws and electing directors, to be held at such place and time, in the City of Toronto, as the directors appoint, of which meeting not less than one week's notice shall be given by advertisement in one newspaper published in the City of Toronto, and by circular addressed and registered to each shareholder at his last known address.

7. Calls on stock may be made by the directors at such times and in such proportions as they deem proper.

(2) No one call shall exceed ten per centum nor shall any call be made at a less interval than one month from the next preceding call.

8. The company shall not commence business until two hundred and fifty thousand dollars of the capital stock has been subscribed and seventy-five thousand dollars paid thereon and a further sum of twenty-five thousand dollars shall be paid in within one year after such commencement of business.

9. The company may guarantee the title to, or the quiet enjoyment of property, either absolutely or subject to qualifications and conditions, and may guarantee any person interested in or about to become interested in, or owning, or about to purchase or acquire any real property, against any losses, actions, proceedings, claims or demands by reason of any insufficiency or imperfections or deficiency of title or in respect of encumbrances, burdens or outstanding rights, and may guarantee the due payment of the whole or part of any loan, advance, mortgage or claim, hypothecary or otherwise, or the interest thereon, and may issue its guarantee certificates or policies in such form as it determines and for such remuneration as it fixes.

(2) The business described in subsection 1 of this section is hereinafter called and may be known as "title insurance."

10. The company, in connection with and as ancillary to its business of title insurance, may also:—

(a) Examine, report upon and audit the books, accounts, conditions and standing of corporations, partnerships and individuals when requested or authorized so to do by such corporations, partnerships and individuals, and also when required by an order of a court of competent jurisdiction;

(b) Receive money in trust for the purposes herein specified, and invest and accumulate it at such rates of interest as may be obtained therefor;

(c) Accept and execute all such trusts of every descriptions as are entrusted to it by any government or person, or which are committed or transferred to it by any order, judgment or decree of any court, and may execute the office of executor, administrator, trustee, accountant, arbitrator, adjuster, auditor, receiver, assignee, liquidator, sequestrator, guardian, curator, or committee of a lunatic, and perform the duties of such officers or trusts as fully and completely as any person appointed to such office could do; and in all cases where application is made to any court, judge, officer or person having authority to make an appointment to any such office or trust, such court, judge, officer or person may appoint the company, with its consent, to hold such office or trust, and may substitute, if necessary, for any obligations required from a private person appointed to such offices such usual obligations as are applicable to corporations, and may fix the remuneration of the company;

pany; take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest or otherwise, any real or personal estate upon any lawful trusts, and perform and execute them according to the terms and for the purposes declared, established or agreed upon; accept from and execute trusts for married women in respect of their separate property, real and personal, and act as agent for them in the management of such separate property; guarantee repayment of the principal or payment of the interest, or both, of any moneys entrusted to the company for investment, on such terms and conditions as are agreed upon; act as agent for counter-signing, registering or otherwise ascertaining and certifying to the genuineness of any issue of stock, bonds, debentures or other securities for money of any government or person duly authorized to issue and make the same, and hold the same as agent or trustee; and may guarantee the payment thereof, both of principal and interest, and may act generally as fiscal or other agent for any such government or person;

(d) Act as agent or attorney for winding up estates, receiving or collecting any principal, debts, debentures or other securities or evidence of debt or demands of any nature, and in the sale or purchase of any real or personal property, and generally act in all matters in the nature of a trust or general agency;

(e) Be the custodian, on such terms as are agreed upon, of any jewellery, plate and other valuable property, and of deeds, wills, debentures, and other evidences of title or indebtedness, and for that purpose establish and operate safe deposit vaults;

(f) Act as investing and managing agent of estates and properties for and on behalf of executors, administrators and trustees, or other persons.

11. The company shall invest trust moneys as follows, and may manage, sell or dispose of such investments as the terms of the trust require:—

(a) Upon first mortgages of improved freehold property in Canada, and may accept personal property as covenants by way of collateral security thereto;

(b) In the stock, funds or government securities of Canada, or of any province of Canada, or of the United States, or guaranteed thereby respectively, or in bonds or debentures of any municipal corporation in any such province (other than municipal corporations having a population of less than two thousand or an annual rate of assessment exceeding two cents. on the dollar exclusive of school tax), or in the bonds and debentures of any school district in any such province, or in the public, stock, funds, or government securities of the United Kingdom, or any of the colonies or dependencies thereof;

(c) In such securities as are specified by the terms of the trust.

2. Nothing in this section shall prevent the company from holding securities of any other kind which form or are part of any trust estate which comes into its hands, and it may hold such securities subject to the trusts and legal obligations attached thereto, but in case of the realization of any portion thereof the proceeds shall be invested as herein directed unless the will, deed, order or instrument creating the trust has provided otherwise.

12. The moneys and securities of any such trust shall always be kept distinct from those of the company, and in separate accounts, and so marked for each particular trust as always to be distinguished from any other in the registers and other books of account to be kept by the company, so that at no time shall trust moneys form part of or be mixed with the general assets of the company; and the company shall, in the receipt of rents and in the overseeing and management of trusts and other property, keep distinct records and accounts of all operations connected therewith; provided that in the management of the money and property held by the company as trustee, or in any other official capacity, under the powers conferred by this Act, the Company may, unless the authority

authority making the appointment otherwise directs, invest the trust money in the manner provided by section 11 of this Act in a general trust fund of the company; provided, however, that the total amount of money of any one trust invested in the said general trust fund shall not, at any time exceed three thousand dollars.

13. Moneys, properties and securities received or held by the company upon trust or as agent shall not be liable for the debts or obligations of the company.

14. In case of the appointment of the company to any trust or office or by any court in Canada, or any judge, officer or person having lawful authority in that behalf, such court, judge, officer or person may, from time to time, require the company to render an account of its administration of the particular trust or office to which it has been appointed, and may from time to time appoint a suitable person to investigate the affairs and management of the company, and as to the security afforded to those by or for whom its engagements are held, and such persons shall report thereon to such court, judge, officer or person, and the expenses of such investigation shall be borne as ordered by such court, judge, officer or person.

15. The company may hold such real estate as is necessary for the transaction of its business, not exceeding the net yearly value of five thousand dollars, and any further real estate of whatever value which, being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may, from time to time, sell, mortgage, lease or otherwise dispose thereof; but the company shall sell any real estate acquired in satisfaction of any debt due to itself other than as trustee or in an official capacity, within seven years after such acquisition, unless such time shall be extended by order of the Governor in Council, otherwise such real estate shall revert to His Majesty for the use of Canada.

16. The company may invest any moneys forming part of its own capital, or reserve as accumulated profit thereon, in any of the securities mentioned in section 11 of this Act, or in the bonds or debentures of any incorporated building society or loan company which would be accepted by the treasury board as deposits from insurance companies under *The Insurance Act*, or on the security of real estate in Canada or of any interest in such real estate, or on the security of the debentures, bonds, stock and other securities of any chartered bank or company incorporated by or under the authority of the Parliament of Canada, or of the Legislature of any province of Canada, as the directors deem expedient.

17. Nothing in this Act shall be construed to authorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank, or to engage in the business of banking, or in the business of insurance except as provided in section 9 hereof.

18. The powers and authority hereby granted to the company shall be exercised in any province subject to the laws of such province in that behalf, and shall not have any force or effect in any province in any respect in which they are inconsistent with the laws of such province.

19. The provisions of *The Insurance Act* shall apply to the company with respect to its business of title insurance.

(2) The initial deposit with the Receiver General for a license for the said business shall be fifty thousand dollars, provided that within two years from the issue of such license the said deposit shall be increased to the sum of at least seventy-five thousand dollars; provided further that the treasury board may at any time and from time to time require such increases in the said deposit as may be deemed expedient.

(3) The said deposit shall be regarded as security for the payment of losses and expenses incurred in respect of the title insurance business of the company.

20. In addition to the statement required by virtue of subsection 1 of section 19 of this Act, the company shall prepare and annually transmit to the Minister of Finance a statement in duplicate, verified by the oath of the president or vice-president and of the manager or secretary, setting forth the capital stock of the company, the proportion thereof paid up, the assets and liabilities of the company other than such as appertain exclusively to its title insurance business, and the trust property held by it, and such other details as the said Minister requires, and such statement shall be made up to the thirty-first day of December in each year.

21. *The Companies Clauses Act*, except sections 7, 18 and 39 thereof, shall apply to the company.

22. The charter of the company shall be forfeited if the company does not go into actual operation within two years after the passing of this Act.

CHAPTER 119.

An Act to incorporate The Guelph Home of the Friendless, and for other purposes.

Assented to 20th April, 1907.

Preamble.

WHEREAS George Elliott, late of the City of Guelph, in the County of Wellington, Esquire, did by his last will and testament devote the residue of his estate, amounting to about twelve thousand dollars, in manner following: In conjunction with the Corporation of the Guelph General Hospital to have erected upon their land adjoining the hospital a building to be called "The Home of the Friendless," and did by said will describe the aged and infirm people who were to be admitted thereto; and he directed that the institution should be managed by six of the elected directors of the said General Hospital to be selected annually at the first meeting of the Board by the votes of the Board of Directors of the Guelph General Hospital; and he directed that the institution should be used as a Convalescent Home in connection with the Hospital as far as room permits; and he authorized the Board of Management to make such rules and regulations as might be necessary from time to time for the government of the institution; and he also empowered his executors to devote the residue of his estate to the building and furnishing of such an institution accordingly; and whereas the said institution has been built and is now being fitted up and furnished; and whereas the trustees hereinafter named being six of the Directors of the said General Hospital selected by the Board of Directors thereof, have by their petition prayed that they and their successors be incorporated by a special Act of the Legislature of Ontario; and whereas they have also prayed that the Corporation of the City of Guelph, and the County of Wellington, and the local municipalities of that county may be empowered to assist in the maintenance of the said Home and that the *Act to incorporate the Guelph General Hospital* may be amended as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. William Alexander McLean, Barrister-at-law; Alexander Watson Alexander, Manufacturer; Arthur F. H. Jones, Bank Manager; James Innes McIntosh, Journalist; Lincoln Goldie, Miller, and John Bleeker Powell, Collector of Inland Revenue, all of the City of Guelph, in the County of Wellington, and their successors are hereby constituted and declared a body corporate and politic by the name of "The Guelph Home of the Friendless," hereinafter referred to as "The Home," for the purposes mentioned in the residuary clause of the will of the said George Elliott, and as such shall have perpetual succession, and a corporate seal, with power to alter the same, and may sue or be sued, and have the rights and powers of bodies corporate, and may acquire and hold all such real estate, interest in real estate, or any goods, chattels or effects, as shall be granted, sold, given, devised, or otherwise conveyed to the said Corporation by any person or persons, body corporate or politic, for the use or support of the said Home, or the endowment thereof.

Guelph Home
for Friendless
incorporated.

2. The Directors of the Guelph General Hospital shall annually at the first meeting of the Board thereof held, after the annual election of directors select six of their own number, being elected directors to be the trustees of the said Home; and the trustees so selected shall hold office as such trustees until their successors are appointed, and in case the directors of the Guelph General Hospital shall not in any year make such selection of trustees at their said first meeting then they may make the selection at the next or any subsequent regular meeting of the said directors of the said Hospital.

Directors of
General
Hospital to
appoint
trustees of
Home.

3. The said Board of Trustees, and their successors, shall have the management of the said Home and of the affairs thereof, and shall appoint all officers for conducting its affairs, and shall regulate the discipline and government of the said Home as to them shall seem meet and expedient and may make by-laws, rules and regulations for any of the said purposes. The Board of Trustees of the said Home shall report their receipts and expenses to the Board of directors of the Guelph General Hospital at the end of each year.

Powers and
duties of
trustees.

4. In case of the death, resignation, incompetency, refusal to act or residence out of the Province of Ontario of any of the said trustees, the vacancy so caused shall be filled at a regular meeting of the directors of the said Hospital.

Filling of
vacancies.

Acquiring
lands for
purposes of
"Home."

5. The said Home may acquire and hold any such real estate at or adjoining the City of Guelph as may be necessary for the actual use and occupation for the purposes of such Home; and they may also take any real estate in Ontario that may be given or devised to them and hold the same till they can dispose thereof; but such disposition shall be made within five years from the acquisition thereof, otherwise the same shall revert to the donor, his heirs or assigns, or to the heirs or assigns of the deviser.

Powers of
municipalities
to contribute
money

6. It shall be lawful for the Councils of the Corporations of the City of Guelph and of the County of Wellington and of the several local municipalities in the said county or of any county adjacent thereto in addition to the powers to aid indigent persons given under *The Municipal Act* from time to time to contribute a sum or sums of money for the enlargement or permanent improvement of the buildings of said Home and the grounds and premises thereof, and to contribute towards the maintenance of the Home and to pass by-laws or resolutions in exercise of the powers hereby conferred.

24 V. c. 111,
s. 3 amended.

Number of
directors.

7. Section 3 of the *Act to incorporate the Guelph General Hospital* is amended by striking out the word "twelve" in the second line thereof, and substituting therefor the words "not more than fourteen."

24 V. c. 111,
s. 12, amended.

Devises of land

8. Section 12 of the said *Act to incorporate the Guelph General Hospital* is amended by striking out all the words after the word "Provided" in the ninth line of the said section.

CHAPTER 120.

An Act to Incorporate The Women's Christian Association of Belleville.

Assented to 20th April, 1907.

WHEREAS it has been made to appear by the petition Preamble.
of the Women's Christian Association of Belleville that the following women and others residing within the city of Belleville or within five miles thereof are members of the aforesaid Association, namely:—Mrs. Florence H. Yeomans, president; Miss H. A. Mackay, 1st vice-president and corresponding secretary; Mrs. Charlotte Bell, 2nd vice-president; Mrs. George Denmark, 3rd vice-president; Miss Julia Ponton, recording secretary and Miss Clara Yeomans, treasurer; and that the aforesaid Association has been in existence for over twenty-seven years last past but has never been incorporated, although it was generally believed the aforesaid Association was incorporated; that the aforesaid Association has erected, maintained and carried on a Public Hospital situated on a lot known as block three on the south side of Kingston Road in the City of Belleville, which lot was conveyed to trustees for that purpose pursuant to the Act passed in the 45th year of Her late Majesty's reign, Chaptered 86; that the aforesaid Association has maintained and carried on a Home for the Friendless situated on lot number eleven on the south side of Moira Street in the said City of Belleville; that a society was incorporated in the City of Belleville under *An Act respecting Benevolent, Provident and other Societies*, being Chapter 167 of the Revised Statutes of Ontario, 1877, on or about the 2nd day of June, 1880, under the name of "The Belleville Hospital and Home for the Friendless;" that the said society of "The Belleville Hospital and Home for the Friendless" has never gone into actual operation or used the corporate powers thereof; and whereas it is desirable to incorporate The Women's Christian Association of Belleville;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The Women's Christian Association of Belleville are hereby constituted a body corporate and politic under the name of "The Women's Christian Association of Belleville" hereinafter called "the Association."

Constitution,
by-laws, etc.

2. The provisions of the constitution, by-laws, resolutions, rules and regulations of the Women's Christian Association of Belleville in force at the time of incorporation by this Act shall, so far as applicable and not inconsistent with the provisions of this Act, continue in force until altered or repealed pursuant to the provisions of this Act.

Members.

3. The members and officers of the Women's Christian Association of Belleville shall, subject to the provisions of this Act, be the members and officers of the Association.

Objects of
association.

4. The objects of the Association are:—The maintenance of a General or Isolation Public Hospital or Hospitals and of a Home for the Friendless, also the temporal, mental, moral and spiritual welfare of women, children and aged persons, the elevation of society and the suppression of intemperance and immorality for which purposes the Association shall have all necessary powers.

Assets of
Women's
Christian
Association
and Hospital
and Home for
Friendless
vested in
corporation.

5. All the assets, real and personal, belonging to the Women's Christian Association of Belleville or to the Society of the Belleville Hospital and Home for the Friendless, whether held in the respective names of these organizations or in the name or names of trustees at the time of the incorporation of the Association by this Act, shall, subject to any liens, charges, encumbrances or obligations lawfully existing against the same and subject to the debts of said organizations, be and become the property of and be vested in the Association, including all that certain parcel or tract of land situate in the City of Belleville heretofore known as part of the east half of lot number seven and part of the broken front in front of the said east half of lot number seven in the first concession of the township of Thurlow in the county of Hastings, and which part may be more particularly described as block three (3) on the south side of the Kingston Road on a plan made by Evans & Bolger, purporting to be a plan of the east half of said lot number seven and which plan was registered in the registry office in and for the county of Hastings on the fifteenth day of August, 1878, and which block contains four and one-fourth acres more or less and extends from the Kingston Road to the waters of the Bay of Quinte, together with all the woods, ways, waters, easements, rights and privileges whatsoever in any wise belonging or appertaining thereto or to any part thereof being the property on which the hospital now stands, also all and singular that certain parcel or tract of land and premises situate

situate, lying and being in the City of Belleville, in the County of Hastings, and being composed of part of the rear half of lot number one in the first concession of the Township of Thurlow and may be better known as lot number eleven on the south side of Mill (now Moira) Street according to a plan thereof laid out for one Asa Yeomans on said lot number one, which plan was registered in the registry office of the County of Hastings on the 21st day of March, A.D. 1847, being the property on which the Home for the Friendless now stands.

6. The members of the Association shall not as such be liable personally for any debt or obligation of the Association. Members not liable for debts of Association.

7. The Association may acquire by purchase, gift, devise or bequest whatever real and personal property is required to carry out the objects of the Association and hold same exempted from taxation for all purposes, and may mortgage, encumber or sell and convey same. Power to acquire and hold property for purposes of Association.

8. The Association may acquire land by gift, devise or bequest, not required for the objects of the Association, if the annual value thereof is not greater than two thousand dollars and may hold the same for a period of not more than seven years and may within that time alienate or dispose of the same, and the proceeds of such estate or interest therein as shall have been so disposed of shall be invested in public securities, county or other municipal debentures or other approved securities, for the use of the said corporation; and such estate or interest therein as may not within the said period be alienated or disposed of shall revert to the party from whom the same was acquired, his heirs and representatives. Power to hold land not required for Association.

9. The Association shall have power to pass by-laws, rules or regulations as to meetings, officers, qualifications for membership, membership fees, management of the affairs of the Association and the carrying out of the objects thereof and may from time to time delegate the powers as to management of any of the affairs of the Association and as to the carrying out any of the objects, to any committee or committees or board or boards composed of members of the Association. By-laws.

10. The Association shall have power to convey to the corporation of the City of Belleville the above mentioned Hospital in the City of Belleville, including the real and personal property used in connection therewith or any other hospital or property which may hereafter be owned by the Association, and may also convey the Home for the Friendless and the real and personal property used
 in Authority to convey Hospital to city.

in connection therewith to the corporation of the City of Belleville and the corporation of the City of Belleville may thereafter maintain and carry on the said Hospital or Hospitals or Home and provide the funds necessary therefor by levy of taxes on the whole rateable real and personal property and business assessment of the municipality and collect same in the general rate.

Registration
of Act.

11. This Act may be registered in the Registry Office of the County of Hastings upon the lands mentioned and described herein by depositing a verified copy hereof with the registrar in said registry office and upon the payment of a fee of one dollar.

CHAPTER 121.

An Act respecting the St. George's Cemetery, in the Township of Bentinck, in the County of Grey.

Assented to 20th April, 1907.

WHEREAS Moses Jacklin, James Fursman and James McMahon, all of the Township of Bentinck, in the County of Grey, have by their petition represented that they are the trustees of what is known as the St. George's Cemetery, in the Township of Bentinck, in the County of Grey, which said cemetery may be more particularly described as the south-west part of lot number 16 in the first concession north of the Durham Road in the said Township of Bentinck, described as follows, that is to say: Commencing on the north side of the Durham Road at the south-west angle of the said lot; thence north eleven degrees, thirty-two minutes west, twenty-two chains, thirty-six links; thence north seventy-seven degrees, thirty minutes east, four chains, forty-seven links; thence south eleven degrees, thirty-two minutes east, twenty-two chains, thirty-six links more or less to the Durham Road aforesaid; thence south seventy-seven degrees, thirty minutes west, four chains, forty-seven links more or less to the place of beginning; that the northerly portion of the said described lands is unfit for cemetery purposes and has never at any time been used as a burying ground; and that the said petitioners are desirous of selling and disposing of the same and using the proceeds of such sale for the purpose of improving the remainder of the said cemetery; that Benjamin J. Switzer, of the said Township of Bentinck, has offered and agreed to pay for the said northerly eight acres the sum of two hundred and fifty dollars which the said petitioners consider a fair and reasonable price for the same; that the said petitioners are desirous of completing the sale of the said eight acres to the said Benjamin J. Switzer, and that they be empowered to sell and convey the said lands to the said Benjamin J. Switzer; and whereas it is expedient to grant the prayer of the said petitioners;

Preamble

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees
authorized to
sell certain
lands.

1. The said trustees of the St. George's Cemetery, in the Township of Bentinck, in the County of Grey, are authorized and empowered to grant and convey all and singular that certain parcel or tract of land and premises, situate, lying and being in the Township of Bentinck, in the County of Grey and Province of Ontario, being composed of part of lot number sixteen in concession one, north of the Durham road in the said Township of Bentinck, and better known and described as follows, that is to say: Commencing at a point in the westerly limit of said lot at the distance of four chains and seventeen links from the south-westerly angle of said lot; thence northerly along said westerly limit eighteen chains and nineteen links to a point; thence easterly parallel with the southerly boundary of said lot four chains and forty-seven links to a point; thence southerly parallel with the westerly boundary of said lot eighteen chains and nineteen links to a point; thence westerly parallel with the southerly boundary of said lot four chains and forty-seven links to the place of beginning, containing by admeasurement eight and thirteen one-hundredths acres, more or less, to Benjamin J. Switzer, for the sum of two hundred and fifty dollars, or in case the sale to said Benjamin J. Switzer should for any reason fail then to sell, grant and convey the said parcel of land to such other person and for such amount as the said trustees may deem advisable; and that upon execution of a conveyance thereof by the said trustees, and payment of the purchase money, the grantee therein shall hold the said lands freed from all trusts created by the original conveyance thereof.

Application
of proceeds of
sale.

2. The money arising from such sale (less the necessary expenses connected therewith) shall be expended and used by the said trustees or their successors, for the improvement of the remaining part of the cemetery lands.

CHAPTER 122.

An Act to vest certain lands in the Rector and Churchwardens of Trinity Church in the Village of Waterford.

Assented to 20th April, 1907.

WHEREAS the Rector and Churchwardens of Trinity Preamble.
Congregation of the Church of England in Canada of the Village of Waterford have, by their petition, represented that in and by a Deed Poll, dated December 10th, A.D. 1818, a memorial of which was registered on the 6th day of June, A.D. 1826, in the Registry Office for the County of Norfolk as number 1465, one George Sovereene, did remise, release and quit claim unto one Morris Sovereene, all his estate, right, title and interest in 97 acres of land (as is in the said memorial described) being part of lot seven in the 8th concession of the Township of Townsend, in the County of Norfolk; that the said memorial, after describing the said lands, speaks as follows: "Excepting and always reserving out of the foregoing lines and boundaries and out of the release, assignment and quit claim thereby made, one acre of land now in the possession and seizin of certain members of the Church of England and of certain members of the Presbyterian Society"; that the said 97 acres and the said one acre now form a part of the Village of Waterford, the said one acre being now known as Lot 13 in Block 8 in the said village; that so far as can be ascertained after diligent search made, there is no instrument, except the said memorial registered in the Norfolk Registry Office, which affects or in any way relates to the title to the said acre; that the Registry Office for the whole District of London (in which was included the Township of Townsend) situated in the Village of Vittoria, in the County of Norfolk, was destroyed by fire many years ago, together with all the early records, and that the record of title to the said acre, if such existed, was probably destroyed; that in the memory of Alfred Bowlby, M.D., the oldest living resident of the Village of Waterford, the land now known as Lot 13 in Block 8, containing one acre, was
occupied

occupied by a frame church, which was used by the Church of England and the Presbyterian Church as a place of worship, and that the said lot also formed a burial ground from early days up to the year 1872, when Greenwood Cemetery was established and a large majority of the remains of the dead were removed by relations to the new cemetery, and no other burials were made in the said lot afterwards; that from 1872 up to 1903 the said lot was not used or occupied for any purpose and became overgrown with noxious weeds and bushes, no care or attention having been given to the grounds, fences, graves or stones marking graves; that some years ago a Presbyterian congregation was formed in the said Village and a church was built in another part of the Town, but owing to a falling off in membership the church was sold under a mortgage, and that since there has been no Presbyterian Church in the said village; that early in 1903 the Church of England, believing they had a right, entered into possession of the said lot, made a complete catalogue of the names on the standing grave stones, and the remains of the dead were removed to Greenwood Cemetery with the consent and under the superintendence of relations, and that there are only four standing stones left; that the said Church of England has already expended about \$250 in clearing the said lot and in grading it to the line of the street in front, and that it will be necessary to expend an additional sum of about \$200 to properly grade the said lot, the whole value of which is not above \$500; that the Council of the said Village on April 2nd, 1906, passed a resolution approving of the work of improvement executed by the said church and requesting that the grading be completed without delay; that it is intended, if title to the said lot is granted, to erect thereon a church for the use of the congregation of Trinity Church in the said Village; and whereas the said petitioners have prayed that an Act may be passed vesting the said lot in the rector and churchwardens of the said church, and authorizing them to remove the remains of the dead; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain lands
vested in
rector and
churchwardens
of Trinity
Church,
Waterford.

1. Village Lot No. 13 in Block 8 in the Village of Waterford, according to the plan registered in the Registry Office for the County of Norfolk as No. 19B, is hereby vested in the Rector and Churchwardens of Trinity Congregation of the Church of England in Canada as a site for the erection of a church for the use of the said congregation freed and discharged from any right, estate or interest in the

said

said lands of the said Morris Sovereene and anyone claiming under him and of the said Presbyterian Church.

2. The said Rector and Churchwardens are hereby authorized forthwith after giving notice as hereinafter mentioned at their own expense, to remove from said lot the remains of the dead therein interred to Greenwood Cemetery at the sole cost of such Rector and Churchwardens, and to re-erect any monuments or headstones erected in the said lot at the time of such removal. Such removals and re-interments to be made so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased.

Authority to
remove re-
mains of dead.

3. The said Rector and Churchwardens shall, before removing the remains as aforesaid, give written notice to the relatives of the dead, when known, and during the period of one month publish a notice once a week in a newspaper published in the said Village, and in the *Ontario Gazette*, stating their intention to remove the said remains upon and after a day to be named in the said notice, which day shall not be less than six weeks after the first publication of said notice; and the said Rector and Churchwardens shall be required to pay all reasonable expenses incurred or sustained by the relatives in any removal of remains which shall take place after and in pursuance of such notice, and no further or other notice to the friends or relatives of the deceased shall be necessary.

Notice of
intention to
remove re-
mains of dead.

4. The words "Rector and Churchwardens" when used in this Act shall extend to and include their successors in office.

Meaning of
word "Rector"
and "Church-
wardens."

CHAPTER 123.

An Act to authorize Jerry Brisson to practise as a
Veterinary Surgeon.*Assented to 20th April, 1907.*

Preamble

WHEREAS Jerry Brisson, of the Township of Russell, in the County of Russell, Gentleman, has, by his petition, represented that for thirty-seven years past, in the Township of Russell, County of Russell, in the Township of Winchester, County of Dundas, and elsewhere, he has performed all such operations and has prescribed for and treated diseases of animals as a regularly licensed veterinary surgeon would do; that as a result of his long experience and his natural aptitude for the work he believes he has become as proficient and as well qualified to practice veterinary surgery as a regularly licensed veterinary surgeon, and that he has been more than ordinarily successful in his treatment of diseases of animals, and in all operations performed by him; that owing to his advancing age and to his being the main support of his family he has been unable, though desiring to do so, to attend any veterinary college in order to obtain a diploma authorizing him to practice under the title of veterinary surgeon; and whereas it has been shewn that the said Jerry Brisson is otherwise a fit and proper person, and from the peculiar circumstances of the case he should be authorized to practice as a veterinary surgeon; and whereas the said petitioner has prayed that an Act may be passed enabling and authorizing him to practice as a veterinary surgeon; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Jerry Brisson
authorized to
practice as a
Veterinary
Surgeon, etc.

1. It shall be lawful for the said Jerry Brisson and he is hereby authorized to practise as a veterinary surgeon, and he shall be entitled to professional fees in attending
any

any court of law as a witness in such cases as relate to the said profession in the same manner and to the same extent as a person possessing a diploma or proper certificate from any duly authorized veterinary college within or without this Province, as provided by *The Act respecting Veterinary Surgeons*, but the said Jerry Brisson shall not append to his name the term veterinary surgeon or any abbreviation thereof, or use any name, title, addition, abbreviation or description implying or calculated to lead people to infer that he possesses a diploma or proper certificate from any duly authorized veterinary college.

CHAPTER 124.

An Act to authorize Sadie Holmes to practice
Dentistry.*Assented to 20th April, 1907.*

Preamble

WHEREAS Sadie Holmes, of the Town of Tillsonburg, in the County of Oxford, an unmarried woman, has by her petition set forth that from the 1st day of October, 1898, to the month of March, 1900, she was employed in the office of Frederick Wood, a local dentist in the City of London, and was continuously engaged in practical dental work; that from the month of May, 1900, up to the present time she has been steadily employed in the office of Melvin D. Crooker, a duly qualified dentist having a large and lucrative practice in the said Town of Tillsonburg, during which period she has been actively engaged in practical dentistry work, operating at the chair in gold filling and other branches of the profession and has frequently had sole charge of the said office; that by reason of her long experience as above set out, she believes she is now as well qualified to practise dentistry as a duly qualified dentist; that by reason of her continuous employment as aforesaid she has been unable to attend any college of dentistry although desirous of doing so; and whereas it has been made to appear that the said petitioner has been more than ordinarily successful in the practise of dentistry, and whereas the circumstances of the case appear to be exceptional; and whereas it is inexpedient to lower the standard of qualification required for admission to the practice of the profession of dentistry, but in view of the matters above recited it is desirable that the petitioner should be permitted to practise the profession of dentistry upon complying with the conditions hereinafter set forth; and whereas the said petitioner has prayed that an Act may be passed to authorize her to practise dentistry;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the said Sadie Holmes to practise dentistry in the County of Oxford, in the Province of Ontario, but not elsewhere, without any certificate of qualification until the 1st day of July, A.D. 1909, but not thereafter, unless the said Sadie Holmes shall have in the meantime passed the final examinations prescribed by the Royal College of Dental Surgeons for Ontario in all subjects required by the curriculum of the said Royal College of Dental Surgeons for Ontario, and paid the requisite fees in that behalf, and the said Royal College of Dental Surgeons for Ontario shall not require the said Sadie Holmes to attend lectures, and the said Royal College of Dental Surgeons for Ontario is hereby authorized and directed to grant to the said Sadie Holmes a certificate of license to practise dentistry in the Province of Ontario upon passing the said final examinations in all subjects and paying the requisite fees therefor, any law, statute or usage to the contrary notwithstanding.

Sadie Holmes
authorized to
practice
dentistry.

CHAPTER 125.

An Act to authorize Thomas Johnston to practise as
Veterinary Surgeon.*Assented to 20th April, 1907.*

amble

WHEREAS Thomas Johnston, of the Township of Augusta, in the County of Grenville, has, by his petition, represented that he has for about twenty-five years past, in the said Township of Augusta, in the County of Grenville, and in the territory adjacent thereto, been engaged in the treatment of animals and, in a general way, the work of a veterinary surgeon; that for a number of years he resided with his father, Richard Johnston, of Potterham, England, a veterinary surgeon, and while so residing with his father he was actively engaged in the practice and business of a veterinary surgeon; that, owing to the experience which he has had, he has become as proficient and as well qualified to practise as a veterinary surgeon as one possessing a diploma or certificate from a veterinary college; and whereas it has been made to appear that the said Thomas Johnston has been successful in the treatment of diseases of animals and in performing operations, and is otherwise a fit and proper person; and whereas the said Thomas Johnston has prayed that an Act may be passed to authorize and enable him to practise as a veterinary surgeon; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Thomas
Johnston
authorized to
practise as a
Veterinary
Surgeon.

1. It shall be lawful for the said Thomas Johnston, and he is hereby authorized to practise as a veterinary surgeon, and he shall be entitled to professional fees in attending any court of law as a witness in such cases as relate to the said profession in the same manner and to the same extent as a person possessing a diploma or proper certificate from any duly authorized veterinary college within or without
this

this Province, as provided by *The Act respecting Veterinary Surgeons*, but the said Thomas Johnston shall not append to his name the term veterinary surgeon or any abbreviation thereof, or use any name, title, addition, abbreviation or description implying or calculated to lead people to infer that he possesses a diploma or proper certificate from any duly authorized veterinary college.

CHAPTER 126.

An Act respecting the Marriage Settlement of Robert Woods Prittie and Jane Prittie.

Assented to 20th April, 1907.

Preamble

WHEREAS James Pearson, surviving Trustee under the marriage settlement of Jane Prittie and Robert Woods Prittie, has by his petition set forth that under the said marriage settlement, dated the first day of June, A.D. 1880, and registered in the registry office for the City of Toronto, on the 28th day of June, 1880, as number 1,392 S.E. and 5,857 N.W., and in the registry office for the county of York, on the 29th day of June, 1880, as number 11,679, John Downey and Warring Kennedy were appointed trustees; and that subsequently, and on or about the first day of March, 1889, the said John Downey and Warring Kennedy with the consent and approval of the *cestui que trust* conveyed the trust estate to Humphrey Lloyd Hime and James Pearson, who thereby became the trustees under the said marriage settlement; and that the said Humphrey Lloyd Hime departed this life on or about the thirty-first day of October, 1903, whereby the said James Pearson became the sole surviving trustee; and that the trustees or trustee have, since the date of the said marriage settlement, acquired large tracts of land in the Town of Toronto Junction, and in the Township of York, and in the City of Toronto; and that doubts have been raised as to the power or authority of the said trustee or trustees to sell or dispose of lands acquired subsequent to the date of the said marriage settlement, and that some sales have already been made of lands so subsequently acquired without the power of the said trustees to sell being called in question, and that it is desirable in the interests of the said estate that all doubts as to the power of the said trustees or trustee, his or their successors to sell or dispose of such lands should be set at rest and the necessary power or authority vested in said trustees or trustee, their or his successors and whereas the said Jane Prittie and Robert Woods Prittie have given their

48a S. written

written consent to the trustee being invested with the said power, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said marriage settlement shall be taken to contain and shall be read as containing the like power of sale as to and of any and all real property, in the purchase of which trust moneys under the said settlement have been heretofore or hereafter shall be invested under the trusts and powers of the said settlement, as is contained in the said settlement with respect to the real property thereby conveyed to the trustees named therein.

Power of sale
as to lands
purchased
with trust
moneys.

2. All sales heretofore made by the trustees or trustee of the said settlement of any of the lands so purchased, and all deeds and conveyances thereof executed or made in pursuance of such sales, are hereby declared to be as valid and binding as if the said power of sale had been by the terms and provisions of the said settlement expressly made applicable to the lands so purchased, and shall be so valid and binding as against the other parties to the said settlement and all persons who were or might hereafter have become beneficially entitled under the trusts of the said settlement to such real property or any estate or interest therein.

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deeds made by
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